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**For comments or suggestions E-Mail [SeekonkByLaws@aol.com](mailto:SeekonkByLaws@aol.com)**

## **CATEGORY 1 – TOWN ELECTIONS, TOWN REPORTS AND TOWN MEETINGS**

The Annual Town Election shall be held on the first Monday in April of each year. The polls shall be opened as early as 7:00 o'clock in the forenoon and shall not be closed before 8:00 o'clock in the evening.

The Board of Selectmen shall have the Town Reports for the previous fiscal year available one week prior to the first Monday in October of each year, and shall place same in the Town library.

All business except the election of Town Officers and determination of such matters as by law are required or permitted to be upon the Warrant, shall be considered at an Annual Town Meeting on a date to be determined by the Board of Selectmen, said date to fall after the Town Election but before the last day of May of the same year, no later than 7:30 o'clock in the evening.

Town Meetings other than the Annual Town Meeting shall be called from time to time in accordance with law. The second Town Meeting convened in September, October, or November will be considered as a Special Town Meeting.

Notice of every Town Meeting shall be given by posting an attested copy of the warrant calling said meeting in at least five public places in the Town including at least a copy in each Precinct within the Town and one copy in the Town Hall no later than 14 days prior to the commencement of said meeting. Notice of said meeting shall be published no later than 14 days prior to the commencement of said meeting in a newspaper of general and local circulation.

As soon as practicable after the adjournment of the Annual Town Meeting, if time permits on a vote to adjourn to another day, the Town Clerk shall cause a brief statement of the day and hour to which the adjournment was voted and of the business remaining to come before the meeting, to be posted at least once in each voting Precinct, and if the period of the adjournment will permit, shall cause a similar notice to be published in one or more newspapers having general distribution in the Town.

Any Article which is to appear in the Warrant for an Annual or Special Town Meeting which calls for an appropriation or transfer of funds shall be presented to the Finance Committee by the Board of Selectmen not later than sixty (60) days before the date of the meeting.

All recommendations of the Finance Committee to a Town Meeting shall be the recommendations of the majority of the entire Committee, but this shall not be construed to prevent recommendations by a minority.

All petitions for Articles which are to appear in the Warrant for an Annual Town Meeting must be presented to the Board of Selectmen not later than the first Wednesday in February of each year. All petitions for Articles which are to appear in the Warrant for any Special Town Meeting must be presented to the Board of Selectmen not less than Sixty (60) days prior to the date of such meeting.

The determination and announcement of the presence of the required number of voters present at any Town Meeting shall be made by the Town Clerk and shall be conclusive upon the question of fact, unless determination be doubted, in which case a count shall be taken and recorded.

The procedure and conduct of Meetings of the Town, not otherwise provided for, shall be governed by "Roberts' Rules of Parliamentary Practice" and/or "Town Meeting Time, a Handbook of Parliamentary Practice" by Johnson, Trustman, and Wadsworth, as far as applicable, and not inconsistent with the By-laws of the Town. The Moderator shall preserve order and decorum. He/she may speak to points of order in preference to other voters, and he/she shall decide all questions subject to an appeal, as provided by law or By-law.

Each person, when about to speak, shall rise, respectfully address the chair, wait until he/she is recognized by the Moderator, then state his/her name and address, and in speaking, he/she shall confine him/herself to the question under consideration and avoid mentioning personalities.

No person shall address the meeting without first being recognized by the Moderator, and all persons shall, at the request of the Moderator, be silent. When two or more persons rise to speak at the same time, the Moderator shall name the one entitled to speak first.

Any person who is not a Town resident shall not be allowed to address any Town Meeting, except with the approval of the majority of those present and voting.

All Articles in the Warrant shall be taken up in order of their appearance of arrangement unless otherwise decided by a two-thirds (2/3) vote.

A Motion to Reconsider has the same rank as the motion being reconsidered. Motions to reconsider will be in order after the disposal of all other articles.

All motions requiring expenditure of money shall be presented in writing. Other motions shall be in writing unless permitted by the Moderator to be presented orally.

When a question is put, the sense of the meeting shall be determined by a show of hands (unless otherwise voted by the meeting), and the Moderator shall declare the vote as it appears to him. If a vote so declared is immediately questioned by seven or more voters, he shall verify it by polling the voters or by dividing the meeting.

If a motion is susceptible of division, it shall be divided and the question shall be put separately upon each part thereof, if a majority of those present and voting so vote.

Reports of Committees shall be the first Warrant Article for all Town Meetings. All reports of Committees shall be in writing unless an oral report is authorized by the Moderator.

All appointments to Committees except as otherwise provided by law or by By-law, shall be made by the Moderator within thirty (30) days after the passage of the vote creating the Committee, except that the method of selecting the members of the Committee may be outlined in the voters or petitioners motion creating such Committee. Notwithstanding any provisions of this By-law, no Committees or members of Committees shall be chosen from the floor of a Town Meeting.

All appointments to Committees not made by the Moderator within the time limit specified in this By-law shall be made within the next ensuing thirty (30) days by the Board of Selectmen.

All terms of appointment to the Personnel Board and Finance Committee, as appointed by the Town Moderator, shall expire June 30<sup>th</sup>.

Amended Article 24: October 18, 1982

Approved by Attorney General: July 31, 1984

Amended Article 1: October 16, 1989

Approved by Attorney General

Amended Article 1: November 18, 1991

Approved by Attorney General

Amended Article 2: January 22, 1996

Approved by Attorney General: April 10, 1996

Amended Article 1: June 8, 1998

Approved by Attorney General: August 27, 1998

Amended Article 9: May 21, 2001

Approved by Attorney General: August 31, 2001

#### Category 1

Town Elections, Town Reports and Town Meetings

Old Referral VII Town Meetings New Category 1 (Above)

Old

Dates of Town Meetings – 2<sup>nd</sup> Monday in April.

New

Date of annual Town Meeting – before the last day of May.

Second Town Meeting – Sept., Oct., or Nov. and called as a Special Town Meeting.

Old

Posting 7 Days before Town Meeting.

New

Posting 14 Days before Town Meeting.

Old

Dates to accept Articles.

New

Articles for warrant given to Finance Committee and 60 Days before Town Meeting.

Old

Reports of committees must be added by BOS

New

Reports of committees shall be the first article for all Town Meetings.

Old

The Board of Selectmen shall have the Town Reports for the previous Calendar year

New

The Board of Selectmen shall have the Town Reports for the previous Fiscal year available one week prior to the first Monday in October of each year.

## **CATEGORY 2 – TOWN OFFICIALS**

The Town, at its Annual Election, shall in every year when the term of office of any incumbent expires and, except when other provision is made by law, choose by official ballot, as defined in Chapter 50, Section 1, of the Massachusetts General Laws, from its registered voters the following Town Officers for the corresponding Terms of Service, in accordance with the provisions of Chapter 41 of the General Laws, and amendments thereto:

<u>Office</u>	<u>Total Number</u>	<u>TERM OF SERVICE</u>
Selectmen	5	3
Moderator	1	3
Town Clerk	1	3
Assessors	3	3
School Committee	5	3
Planning Board	7	5
Library Trustee	7	3
Housing Authority	4	5

Each Department and/or Office in Town shall submit in January of each year to the Board of Selectmen and the Finance Committee, an inventory of Town property, including equipment and supplies, in its custody, compiled as of the previous December 31.

All contracts or purchases of equipment, supplies, materials or services made by any Department shall be in accordance with the provisions of Chapter 30B of the Massachusetts General Laws (Uniform Procurement Act).

Every Board or Officer in charge of a Department may, with the approval of the Board of Selectmen, sell any property not required by such Department, in accordance with the provisions of Chapter 30B of the Massachusetts General Laws.

All fees paid to any Town Official, by virtue of his/her Office shall be paid into the Town Treasury.

Article 24: October 18, 1982

Approved by Attorney General: October 25, 1982

Article 4: October 16, 1982

Approved by Attorney General:

Article 4: November 13, 1990

Approved by Attorney General

Article 2: June 8, 1998

Approved by Attorney General: August 27, 1998

### Category 2

Town Officials

Old Referral VI (Same Title)-- New Category 2 (Above)

Old

Changes According to charter. Eliminate Elected Tres./Collector

New

Changes According to charter

Old

Eliminate to conform with state statute

New

Chapter 30B Uniform Procurement Act (\$2000 Contract limit)

Old

Change to conform with state statute (\$500 selling value limit)

New  
Chapter 30 sell property provisions

Old Paragraph 5  
Finance Committee – eliminate from By-Laws because already in Charter, Article 7 Section Z

Old Paragraph 6-8 eliminated covered in New Section 1 (Town Meetings)

### **CATEGORY 2A – APPOINTMENT PROCEDURE FOR TOWN COMMITTEES**

All Town Committees that are appointed by the appropriate appointing authority as determined by the Seekonk Home Rule Charter, shall be appointed according to the following procedure:

A). Once a vacancy occurs on an appointed Board or Committee, the chairperson of the Committee shall notify the appropriate appointing authority of the vacancy. The appropriate appointing authority shall evaluate the pool of Talent Bank forms to determine if any candidates are available to serve on the Committee or Town Board. If a qualified candidate exists, the appropriate appointing authority shall interview the candidates and determine if an appointment can be made from this available pool of candidates.

If no qualified candidates exist or if, following the interview the appropriate appointing authority would like to consider other qualified candidates for the opening, then an advertisement may be placed with the local cable television station and with a local newspaper requesting candidates.

It will be the responsibility of the appropriate public authority to monitor the candidate pool and to appoint qualified candidates for vacancies as soon as possible.

All appointments to Town Boards and Committees will be made so that they are effective on July 1 of each year and will remain in effect for the full length of the term.

- 2) Once appointed, the new member will receive an appointment letter and the new member shall report to the Town Clerk to be sworn in to their new position.
- 2) All Committees and Town Boards shall hold an organizational meeting during the first meeting following July 1 of each fiscal year. At that meeting, the Committee shall elect a Chairperson , Vice-chairperson and Clerk. Such appointments shall remain in effect until the end of the fiscal year or until a vacancy occurs. If a vacancy occurs during the fiscal year, the Committee or Town Board has the option of holding a meeting to elect all new officers or to elect a substitute officer which will remain in place until the end of the fiscal year.

Article 3: June 8, 1998  
Approved by Attorney General: August 27, 1998

### **CATEGORY 3 – COMPENSATION FOR PART-TIME ELECTED OFFICIALS**

Annually, as part of the administrative process during which the budget for the next fiscal year is prepared, the Board of Selectman will review this matter with the Town Administrator. The Board will make a determination regarding which, if any, elected boards receiving compensation shall be eligible to participate in the Town's health insurance plan during the next fiscal year BASED UPON UNIFORMLY APPLIED CRITERIA. The decision of the Board of Selectman shall be effective throughout the next fiscal year.

The decision of the Board of Selectmen will be presented in writing to voters at the Annual Town Meeting. In addition and as required by the Town's Home Rule Charter, the amounts of compensation proposed for each elected Board member during the next fiscal year shall be presented to each voter at the Annual Town Meeting.

This policy will begin with budget preparations for the fiscal year 1999.

Article 4: June 8, 1998  
Approved by Attorney General: August 27, 1998

### **CATEGORY 4 - RESIDENCY REQUIREMENT FOR ALL COMMITTEES**

All persons serving on any Board or Committee in the Town of Seekonk shall be required to live in the Town and shall be required to maintain residency within the corporate Town limits throughout their appointment.

Article 5: June 8, 1998

Approved by Attorney General: August 27, 1998  
 Category 2A Appointment Procedure for Town Committees  
 Category 3 Compensation for Part –Time Elected Officials  
 Category 4 Residency Requirement for all Committees  
 All New Categories #’s 2A thru 4

## **CATEGORY 5 – DEPARTMENT OF MUNICIPAL FINANCE**

### SECTION 1 – COMPOSITION, TERM OF OFFICE, GENERAL POWER

There shall be a Department of Municipal Finance which shall be responsible for the keeping of accounts and financial records, the head of which shall be the Director of Municipal Finance, who shall be appointed by the Board of Selectmen and shall report to the Town Administrator, for a term of no less than three nor more than five years, subject to removal as provided under the Personnel Policy. The Director of Municipal Finance shall have knowledge of municipal accounting and shall have experience in budgeting and financial control. Subject to the approval of the Board of Selectmen, the Director of Municipal Finance may perform the duties of any office under his supervision and may consolidate one or more such offices under one person, provided the Director of Municipal Finance shall serve, ex officio, as Town Accountant.

### SECTION 2 – DUTIES OF THE DIRECTOR OF MUNICIPAL FINANCE

The Director of Municipal Finance shall perform the following duties:

- 2) Coordinates financial services and activities.
- 2) Maintains a general accounting system of the Town, except the School Department, including necessary financial statements and an annual audit.
- 2) Assist all other Town Departments and Offices in any matter related to financial affairs.
- 2) Monitors the expenditure of all funds, including periodic reporting to the Town Administrator and the appropriate agencies on the status of accounts.
- 2) Monitors all purchases of supplies, materials, equipment, and services including insurance and maintenance of inventory controls.
- 2) Assists the Town Administrator in supervising the data processing activities of the Town.
- g) Assists the Town Administrator in compiling the Town’s fiscal operating Budget.

### SECTION 3 – APPOINTMENTS

The Director of Municipal Finance may, with the approval of the Board of Selectmen, appoint all other personnel necessary to staff the department as constituted in this By-law.

Article 4 adopted: April 10, 1989  
 Approved by the Attorney General: May 16, 1989  
 Amended: Article 6, June 8, 1998  
 Approved by Attorney General: August 27, 1998

#### Category 5

- Department of Municipal Finance
- Old Referral XXXII Director of Municipal Finance New Category 5 (Above)
- e) supervise changed to monitor
- f) supervise data processing changed to  
 Assist the Town Administrator in supervising the data processing activities of the Town.
- g) compile budget changed to Assists the Town Administrator in compiling the Town’s Fiscal Operating Budget.

## **CATEGORY 6 – LATE CHARGES FOR MUNICIPAL COLLECTIONS**

All municipal charges and bills shall be due and payable within thirty (30) days of date of mailing by the Treasurer/Collector or other Town official empowered to do so.

All receivables which remain unpaid after said 30 days shall accrue interest payable to the Town at a rate to be determined by the Board of Selectman as permitted by State Law.

This By-law is authorized under the provisions of Chapter 40, Section 21E, of the Massachusetts General Laws.

Article 9 adopted: April 10, 1989

Approved by the Attorney General: May 16, 1989.

Article 7: June 8, 1998

Approved by the Attorney General: August 27, 1998

Amended: Article 7, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 6

Late Charges For Municipal Collections

Old Referral XXXIII Charges for payment of Municipal Bills

New Category 6 (Above)

Old

Tax Collector

New

Treasurer/Collector or other Town Official empowered to do so

Old

Rate was 12%

New

Rate determined by BOS

### **CATEGORY 7 – LICENSES AND PERMITS OF DELINQUENT TAXPAYERS**

- 2) The Treasurer/Collector or other Town official responsible for records of all municipal taxes, assessments, betterment's and other municipal charges, hereinafter referred to as the Treasurer/Collector, shall annually furnish to each Department, Board, Commission or Division, hereinafter referred to as the Licensing Authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterment's or other municipal charges for not less than a twelve month period, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the Appellate Tax Board.

(b) The Licensing Authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the Tax Collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or other matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the Tax Collector; provided, however, that written notice is given to the party and the Tax Collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than 14 days after said notice. Said list shall be prima-facie evidence for denial, revocation or suspension of said license or permit to any party. The Tax Collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued until the license authority receives a certificate issued by the Tax Collector that the party is in good standing with respect any and all local taxes, fees, assessments, betterments, or other municipal charges, payable to the Town as the date of issuance of said certificate.

[c] Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for suspension or revocation of said license or permit; provided, however, that the holder be given notice and the hearing as required by applicable provisions of law.

(d) The Board of Selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his/her immediate family, as defined in Section One of M.G.L. Chapter Two Hundred and Sixty-Eight (M.G.L. 268), in the business or activity conducted in or on said property.

This By-Law shall not apply to the following licenses and permits: open burning, M.G.L. Section Thirteen of Chapter Forty-Eight; bicycle permits, M.G.L. Section Eleven A of Chapter Eighty-Five; sales of articles for charitable purposes, M.G.L. Section Thirty-Three of Chapter One Hundred and One; children work permits, M.G.L. Section Sixty-nine of Chapter One Hundred and Forty-Nine; clubs; associations dispensing food or beverage licenses, M.G.L. Section Twenty-One E of Chapter One Hundred and Forty; dog licenses, M.G.L. Section One Hundred and Thirty-Seven of Chapter One Hundred and Forty; fishing, hunting, or trapping licenses, M.G.L. Section Twelve of Chapter One Hundred and Thirty-One; marriage licenses, M.G.L. Section Twenty-Eight of Chapter Two Hundred and Seven; and theatrical events, public exhibition permits, M.G.L. Section One Hundred and Eighty-One of Chapter One Hundred and Forty.

Article 5: April 13, 1992,

Approved by the Attorney General: May 18, 1992

Article 11: October 17, 1994,

Approved by the Attorney General: December 19, 1994

Amended: Article 8, June 8, 1998

Approved by Attorney General: August 27, 1998

Amended: Article 33, November 16, 1998

Approved by Attorney General: December 22, 1998

#### Category 7

Licenses and Permits of Delinquent Taxpayers

Old Referral XXXIX (Same Title) New Category 7 (Above)

Old

Tax Collector

New

Treasurer/Collector

Old - Paragraph 2 & 3 language changes

New - Correction - Paragraph 2 & 3 new clearer language

New - Correction - Paragraph 5, line 5, - Children work permits MGL

Section 69

### **CATEGORY 8 – SEEKONK HUMAN SERVICES COUNCIL**

In accordance with the provisions of M.G.L. Chapter 40, Section 8B, of the Massachusetts General Laws:

#### SECTION 1.

The Board of Selectmen shall appoint a Seekonk Human Services Council for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with the programs of the Department of Elder Affairs.

- A. The Seekonk Human Services Council will provide information, referral and resources to all needy residents of Seekonk, regardless of age.
- B. The Council will prepare an annual budget to finance and operate programs and services.
- C. Make policy in compliance with Local and State laws and regulations.
- D. The Council shall be aware of housing needs for residents of Seekonk.

#### SECTION 2.

The Board of Selectmen shall appoint the Seekonk Human Services Council consisting of seven (7) members. Upon acceptance of this By-law, the Board shall appoint three (3) members for three (3) years, two (2) members for two (2) years, and two (2) members for one (1) year terms. Members can be re-appointed for consecutive terms. The members of the Council shall serve without pay.

#### SECTION 3.

Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled by appointment by the Board of Selectmen for the remainder of the term.

#### SECTION 4

The Seekonk Human Services Council at its first Annual Meeting and thereafter, annually in July of each year, shall elect from its membership a Chairperson, Vice- Chairperson, Secretary, and Treasurer. Each Officer shall hold office until the next annual election. In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

- 2) The Chairperson presides at all meetings and arranges times and places for all meetings. Also serves as spokesman for the Council in relation with the public. The Chairperson votes only when there is a tie vote and is responsible for preparing agendas, appointing all committees and acts as an ex-officio member on all committees.
- 2) The Vice Chairperson presides in the absence of the Chairperson and performs the functions normally performed by the Chairperson. The Vice-Chairperson shall be in close contact with the Chairperson in all Council business for good continuity in the accomplishment of the Council's duties.
- 2) The Secretary notifies members of the time and place of each meeting and is responsible for keeping detailed minutes of meetings and for making detailed records of those meetings after meetings. The Secretary serves as corresponding secretary in conjunction with C.O.A. Director.
- 2) The Treasurer is responsible to work with the Director for any funds the Council may receive and disburse any Town appropriations and grants. The Treasurer assists with the preparation of meeting reports of these

actions according to good accounting procedures and assists the Director with the preparation of the proposed budget of the Council for the Board of Selectman's approval after all appropriations are agreed upon by a majority of Council members. The Treasurer assists the Director with the Annual Budget report.

#### SECTION 5

Subject to the Personnel Board's policy, the Council shall have the power of authority to engage or employ assistance which it may require for the discharge of its duties, to establish and approve the compensation to be paid for such assistance. No payments shall be made in excess of the sum or sums which are appropriated from the Council by the Town, or from other funds for such purpose.

Article 10: March 12, 1973

Approved by Attorney General: June 22, 1973

Amended: Article 9, June 8, 1998

Approved by Attorney General: August 27, 1998

Amended: Article 20, ATM, May 21, 2001

Approved by Attorney General: August 31, 2001

#### Category 8

Council on Aging

Old Referral XIII (Same Title) New Category 8 (Above)

Old Paragraph 1 (Old) Commission on Aging

New Paragraph 1 (New) Department of Elderly Affairs

Section 1 A, B, C, D all new

Old Section 4 Paragraph 4 President, 1<sup>st</sup> V.P 2<sup>nd</sup> V.P

New Section 4 Paragraph Chairperson, Vice Chairperson

New Section 4 Paragraphs A-D all new

Old Section 5 & 6 eliminated

New Section 5 –New

Old

All references to the Council on Aging

New

Deleting all references to the Council on Aging and inserting the name  
Seekonk Human Services Council.

### **CATEGORY 9 – SMART MEMORIAL TRUST**

#### ARTICLE I – NAME

The name shall be the Smart Memorial Trust.

#### ARTICLE II – PURPOSE

The Smart Memorial Trust will be used to support the goals of the Seekonk Public Library to provide the widest possible range of informational, educational and recreational services to all individuals and groups in the community.

#### ARTICLE III – BOARD OF TRUSTEES

The Board of Library Trustees shall also serve as the Board of Trustees for the Smart Memorial Trust. (Each Board member shall have one vote. The Board may appoint advisory members who shall have no vote.)

#### ARTICLE IV – FISCAL YEAR

The Fiscal Year shall begin on July 1 and end on June 30. In each year the Trustees shall report activity of the Trust to the Town in the Annual Town Report.

#### ARTICLE V – PROVISIONS FOR USE OF INCOME AND PRINCIPAL

- 2) The Town Treasurer shall hold, manage, invest and reinvest the Trust property under the Massachusetts General Laws. The Trustees shall pay to or apply for the benefit of the Seekonk Public Library any part or all of the net income as they shall in their discretion deem advisable, such income to be used to enhance, enrich and supplement the funds available for the Library.
- 2) By unanimous vote of all the Trustees, they also may pay to or apply for the benefit of the Library, in any one year, an amount not to exceed 10% of the market value of the principal of the trust, valued as of June 30 of the previous year provided however that the Trustees shall over a period not to exceed five (5) years from the end of the year of such payment, restore to the principal an amount equal to the amount paid or applied. The Trustees shall determine the amount of income to be accumulated and added to the principal in any one year to meet this requirement.
- 2) The Trustees shall annually request from the Library Director recommendations as to the general categories for library purposes but not specific items for which such income and principal be used.



After review the Trustees will determine the general categories for which such income and principal be used.

#### ARTICLE VI – TERMINATION

This Trust is intended to be perpetual and if the Library should ever cease to exist, the Trust money shall be returned to the Town of Seekonk.

Article 7: October 7, 1985

Amended: Article 10, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 9

Smart Memorial Trust

Old Referral XXVIII Smart Trust New Category 9 (Above)

No Changes

### **CATEGORY 10 – RECYCLING COMMITTEE**

The Board of Selectmen may establish a Recycling Committee for the promotion and development of a Recycling Program for the purpose of recycling any type of solid waste including but not limited to paper, glass, metal, rubber, plastics, used tires and compostable waste. The program may be established for groups of cities, towns or districts upon agreement of all municipalities or districts in a joint Program.

The Recycling Committee shall consult with the Department of Environmental Protection (D.E.P.) before establishing a Recycling Program.

The Committee shall consist of not less than three nor more than seven members, and shall include the Superintendent of Public Works or the Superintendent's designee.

The terms of the first members of the Committee shall be for one, two or three years, and so arranged so that the term of one of the members expires each year, and their successors shall be appointed to terms of three (3) years each.

A Recycling Program shall be approved by the Board of Selectmen before taking effect.

Article 6 adopted: June 26, 1989

Amended: Article 11, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 10

Recycling Committee

Old Referral XXXIV Recycling New Category 10 (Above)

### **CATEGORY 11 – MANDATORY RECYCLING PROGRAM (NEW)**

#### SECTION 1 – PROGRAM ESTABLISHED

There shall hereby be established a program for the mandatory separation of certain recyclable and compostable materials from trash by the residents of the Town of Seekonk (hereinafter referred to as Town) and the curbside collection of these recyclables and compostable materials. The collection of trash, recyclables and composting materials shall be made on a scheduled basis under the supervision of the Public Works Department, as authorized by the Board of Selectmen. Decisions relating to the transportation, sale or disposal of trash, recyclable and compostable materials collected by the Town shall be determined by the Recycling Coordinator, based on contractual arrangements authorized by the Board of Selectman.

Under the guidelines of MA General Law Chapter 44, section 28C and related legal decisions, the following system of fees and exemptions is established to cover all costs of operating the Town's integrated municipal solid waste programs:

- 2) An annual trash fee shall be assessed on every residential dwelling unit in the Town and paid by the property owner. The fee will be assessed at a rate method that the Board of Selectman deems appropriate to cover all costs (excluding tipping fees) of operating the trash, recycling, and composting programs instituted now or in the future by the Town. The Town shall make this system self-sufficient with a capital account for amortized purchasing of equipment.
- 2) Additionally, resident must purchase and place all non-recyclable and non-compostable trash/garbage in Town-designated trash bags for collection and disposal. Funds generated from the sale of designated bags will pay for tipping fees.

- 2) Commercial and industrial-zoned properties shall be responsible for the collection and disposal of all solid waste/recycling generated at that location and are not eligible to participate in the Town-sponsored program. As such, businesses shall be exempt from paying the annual trash fee and are not required to use designated trash bags.
- 2) The owner of residential property may be exempted from participating in the mandatory program (including payment of the annual trash fee and purchase of designated bags) by contracting with a licensed solid waste hauling company for the removal and disposal of trash. Any property owner seeking this exemption must annually provide the Superintendent of Public Works with an acceptable signed contract from a properly licensed and permitted hauler.
- 2) Other exemptions for the payment of the annual trash fee may be approved by the Town Administrator, according to the appropriate administrative policy on file in the Board of Selectman's office.
- 2) Unpaid trash fees will become a lien on a homeowner's property tax account. Failure to make payment in any year, unless an exemption is granted, shall result in an interest penalty and late payment charge of five dollars (\$5.00) assessed as authorized by state statute.

All associated costs (annual fee and Town-designated trash bag prices) will be annually reviewed by the Board of Selectman no later than September 1, based on the recommendations of the Recycling Coordinator, Director of Finance and Town Administrator. Any revenue received from the sale of recyclables shall be used to offset associated costs of the program.

#### SECTION 2 - SEPARATION OF RECYCLABLES: PLACEMENT FOR REMOVAL

- 2) Each homeowner shall sort individually and prepare all recyclable/compostable materials as defined in the Town's current program, and separate these materials from the non-recyclable trash contained in the Town-designated bags.
- 2) Recycling bins, paper composting bags and/or other dedicated containers holding recycling and composting materials shall be placed on and removed from the curbside of the roadway.
- 2) All recycling/composting materials shall be packaged in a manner to prevent the scattering of the materials; an individual container/bag shall not exceed fifty (50) pounds in weight.
- 2) Recyclables/compostables shall not be placed in plastic garbage bags for collection or disposal. Recyclables/compostable shall not be placed in the Town-designated recycling/composting facilities.
- 2) The recycling/composting materials collected by the Town shall be transported to and disposed of at properly designated recycling/composting facilities.
- 2) All non-recyclable/compostable trash shall be placed in the Town-designated-bags for curbside collection. All bags must be securely closed or tied. Closed bags may be placed curbside in plastic or metal trash barrels.
- 2) All material for collection shall be properly placed at the curb no earlier than 9 p.m. on the night before collection day, and no later than 7 a.m. on collection day.
- 2) Any individual who violates this Section of the By-law shall be subject to a written warning of a first offense by the Recycling Coordinator, Superintendent of Public Works or designee, on behalf of the Town, and notice that further violations shall result in a fine of twenty-five dollars (\$25.00) for the second offense and fifty dollars (\$50.00) for each subsequent offense.

#### SECTION 3 – OWNERSHIP OF RECYCLABLE/COMPOSTABLE MATERIALS

Any recyclable/compostable materials left curbside for collection by the Town shall become property of the Town. It shall be a violation of this By-law for any person other than the property owner, authorized employees, or agents on behalf of the Town acting in the course of employment, to collect or pick-up or cause to be collected or picked-up any recyclable/compostable material. Any collection or pick-up violation from one or more locations shall constitute a separate and distinct offense punishable by a fine of fifty dollars (\$50.00) for the first offense and one hundred dollars (\$100.00) for each subsequent offense.

#### SECTION 4 – DEFINITIONS

ASSOCIATED COSTS: Those costs which must meet and do not exceed projected expenses.

COMPOSTABLES: Any leaves, grass and hedge clippings, weeds, garden waste, twigs and brush not longer than 2 feet in length and 1/2 inch in diameter.

HAZARDOUS WASTE: Waste which because of its quality, concentration, or physical, chemical or infectious characteristics may pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed (i.e. used motor oil, automobile batteries, oil-based paints, etc.)

RECYCLABLES: Any discarded materials which may be reclaimed and are considered recyclables by the Town, guided by MA DEP waste bans and market conditions (i.e. metal cans, glass containers, HDPE plastic bottles, newspapers, etc.)

TRASH: All household items to be discarded including food waste/garbage (excluding recyclable, composting materials, hazardous wastes, bulky items and construction and demolition debris).

UNCOLLECTIBLES: Those materials which are not collected by the Town but are the responsibility of the resident to dispose of through the Towns' bulky waste collection opportunity, or through a private contractor (i.e. construction and demolition debris, furniture, appliances, tree stumps, etc.) and so-called household hazardous waste materials to be discarded through an approved hazardous waste collection program.

#### SECTION 5 – AUTHORITY AND SEVERABILITY

This By-law shall supersede any existing By-law or Departmental Regulation. All By-laws and regulations or parts of By-laws and regulation previously approved or adopted by any Town Meeting or department that relates to the collection of trash or recycling/composting are hereby repealed.

This By-law and the various parts, sentences, sections and clauses thereof are hereby declared to be severable. If any part, sentence, section or clause is adjudged invalid, it is hereby provided that the remainder of this by-law shall not be affected thereby.

Article 10: May 13, 1991

Approved by Attorney General

Revised, Article 10, 1993 Annual Town Meeting: April 12, 1993

Proposed changes: December 1996

Approved by Attorney General: May 27, 1993

Amended: Article 13, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 11

Mandatory Recycling Program (new)

Old Referral XXXVIII Mandatory Recycling Program and XXIX  
Mandatory recycling by-law

New Category 11 (above)

Change : Replaced former Program of May 13, 1991 with  
Revised program on April 12, 1993

Change: Rescind Authority on Old Referral XXIX

#### **CATEGORY 12 – MUNICIPAL LIEN CHARGES**

The Town shall impose a lien on real property located within the Town of Seekonk if the trash collection fee received by a property owner has not been paid by its due date. The lien, authorized in accordance with Section 58 of Chapter 40 of the Massachusetts General Laws shall take effect upon the recording of a list of the unpaid charge by parcel of land and by the name of the person assessed for the charge in the Registry of Deeds of the County of Bristol.

If the trash fee which is secured by the lien remains unpaid when the Board of Assessors are preparing a real estate tax list and warrant to be committed, the Treasurer/Collector shall certify such charge to the Assessors, who shall forthwith add such charge to the tax on the property to which it relates and commit it with their warrant to the Treasurer/Collector.

A lien under this section may be discharged by filing a certificate from the Treasurer/Collector that all municipal charges or fees constituting the lien, together with any interest and costs thereon, have been paid, or legally abated. All costs of recording or discharging a lien under this By-law shall be borne by the owner of the property.

Article 5: November 13, 1990

Approved by Attorney General

Amended: Article 14, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 12

Municipal Lien Charges

Old Referral XXXVII (no title change)

Change : Substitute the title of Treasurer/Collector for the Collector  
of Taxes wherever it occurs

### **CATEGORY 13 – ANIMAL CONTROL OFFICER**

- 2) The Animal Control Officer, or any other law enforcement officer, upon investigation, if he/she finds that a dog is of a vicious nature or disposition and/or habitually chases, attacks or in any other way annoys or endangers motorists, cyclists, or persons, may order the owner or keeper of said dog to restrain said dog from running at large outside the premises of its owner or keeper, for a period of up to sixty (60) days duration.
2. Said order shall be in writing, and delivered in hand or by registered mail to the said owner or keeper. Said order may be appealed by the owner or keeper to the Board of Selectmen, for hearing and review, by filing a claim of appeal within ten (10) days of the receipt of the said order.
3. The Board of Selectmen may, after hearing, affirm, reduce, or rescind said order. Failure to comply with the order shall result in a fine of twenty-five dollars (\$25.00). Each day of said failure shall constitute a separate offense.
4. Upon a second and subsequent order involving the same dog, the Board may order, in lieu of a fine of fifty dollars (\$50.00), that the dog shall be permanently confined or removed from the Town of Seekonk.

Article 9: September 24, 1973

Approved by Attorney General: November 16, 1973

Revised October 2, 1995

Amended: Article 15, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 13

Animal Control Officer

Old Referral XIV Animal Control (restraint) New Category 13(above)

Change: Fines have been increased from \$10 to \$25 as result of revised Statutory Authority. A \$50 fine may be imposed for a second or subsequent offense

Change: Substitute the title of Animal Control Officer wherever the title Dog Officer is used.

### **CATEGORY 14 – CONTROL OF DOGS**

- 2) All dogs shall be confined from 9:00 p.m. on the evening before the designated trash collection day for that area, to the time when the trash has been collected. Any owner or keeper of a dog which disturbs trash during the above period shall be subject to a fine of twenty-five dollars \$25.00. Unidentified dogs shall be controlled under the provisions of General Laws, Chapter 140, section 151A.
2. During the time that a female dog is in heat, the owner or keeper of the female dog must take adequate precautions to confine her so that no dog can gain access to her, other than those instances when the owner permits access for breeding purposes. Any person violating this By-law section shall be punished by a fine of no more than twenty-five dollars (\$25.00). Each day of continued violation shall constitute a separate offense.
3. When the owner or keeper of a male dog is notified by the Animal Control Officer that his/her dog is a nuisance to residents while attracted to the residence of a female dog in heat, the owner or keeper of the male dog shall be requested by the Animal Control Officer to keep the male dog restrained for a specified amount of time until the female is out of heat. Failure to restrain the dog shall constitute a violation of this By-law and shall be punished by a fine of no more than twenty-five dollars (\$25.00). Each day of continued violation shall constitute a separate offense.
4. Any dog which bites, or attempts to bite or harass, by physical contact, a person, while not on the owner's or keeper's property, after being the subject of a previous complaint, or which is a threat to the safety of livestock or domestic animals, may be ordered permanently restrained by the Board of Selectmen.
5. Any dog, while the subject of a temporary restraining order, found to be in violation of that order by exhibiting the behavior for which it was ordered restrained, may be ordered permanently restrained by the Board of Selectmen. Any and all violations of this by-law shall be enforced under the provisions of Chapter 140, Section 173 of the General Laws.

Article 23: April 23, 1979

Approved by Attorney General: May 23, 1979

Amended: Article 16, June 8, 1998

Approved by Attorney General: August 27, 1998

#### Category 14

Control of Dogs

Old Referral XV (same title) New Category 14 (above)

Change: Fines have been increased from \$10 to \$25 as result of revised Statutory Authority. A \$50 fine may be imposed for a second or subsequent offense

Change: Substitute the title of Animal Control Officer wherever the title Dog Officer is used.

### **CATEGORY 14A – DOG RESTRAINT PROGRAM**

#### 2) Definitions

In this By-law the following terms shall have the meaning hereinafter assigned:

- 2) “At large” means unaccompanied by a responsible person
- 2) “Out of control means accompanied by a person who cannot control or is not exerting proper supervision in order to control the behavior of the dog, or a dog which is not obedient to the command of such person.
- 2) “Restrained” means being kept under physical control by means of a tether or fenced within the bounds of the property of the owner or keeper, or walked on a leash, or confined within a motor vehicle.
- 2) “Previous offender” means any dog which has in its history been the subject of a temporary order of restraint issued by an officer of the Seekonk Animal Control Department for behavior which was a threat to public safety or the safety of other domestic animals or any dog that is the subject of a permanent restraining order from the Board of Selectmen.
- 2) “Nuisance by unreasonable barking” means barking by a dog which is considered unreasonable because of duration or periods of barking at such close intervals or at such times of the night or the early morning as to be considered a nuisance, a disturbance of the peace of the neighborhood or an individual, an unreasonable and continuing annoyance that would disturb a reasonable person. Barking will be determined to be a nuisance by an officer of the Animal Control Department or a Police Officer or both upon verification and documentation of the disturbance.

#### 2) Provisions:

Section 1. Dogs owned or kept within the Town of Seekonk shall not be allowed to be “at large” or “out of control” and must be restrained or obedient to the command of a responsible person at all times. The person must be capable of taking physical charge and control of the dog to ensure that the dog is not a threat or annoyance to any person on a public way or on public property or on property to which the public has access as invitee or on private property except where the owner or keeper of the dog in question has permission from the property owner to the contrary.

A dog being used by the Police Department for police duty shall not be considered to be in violation of this section when the dog is functioning within the scope of canine law enforcement duty.

Section 2. A dog must be “restrained” when it has a record in the Town of Seekonk as a “previous offender,” or when it comes into the Town of Seekonk from another location in which it has a history of behavior which would qualify in the Town of Seekonk as a threat to public safety or to the safety of other domestic animals.

A dog which is the subject of a complaint that it is (A) in violation of Section 1 of this By-law and (B) exhibiting behavior for which it would be ordered temporarily restrained within the conditions of the By-Laws for Animal Control pertaining to behavior which is a threat to the safety of persons or animals shall be fined for violation of Section 1, ordered temporarily restrained and, henceforward, shall be considered to have a “previous offender” status and shall be required to be “restrained” as per the definitions of this By-law.

Section 3. The owner or keeper or walker of any dog in the Town of Seekonk shall be responsible for the removal of the dog’s fecal matter as soon as it is deposited by the dog on any property, private or public, other than the private property of the owner or keeper of the dog. Fecal matter shall be immediately removed by placing such matter in a bag, wrapper, closed or sealed container and thereafter properly disposed of in an appropriate trash disposal location to which the owner or the public has access.

A blind person accompanied by a guide dog or a handicapped person being assisted by a certified assistance dog shall be exempt from this section.

Section 4. Dogs will not be allowed to be a “nuisance by unreasonable barking” within the Town of Seekonk. When a complaint is received the barking will be verified at the time by a Police Officer or an officer of the Animal Control Department and the owner/keeper so notified or if unavailable, a notice of warning will be left for the owner or keeper of the dog or dogs whose barking is the subject of the complaint. If the complaint is made after the fact, contact will be made by the Animal Control Department. After notification and provided that there is documentation of “unreasonable



Amended: Article 17, June 8, 1998  
 Approved by Attorney General: August 27, 1998  
 Amended Article 16: May 21, 2001  
 Approved by Attorney General: August 31, 2001

Category 14A

Dog Restraint Program New Category

Old

Section D. Enforcement, Section 2: Board for Seekonk owned dogs which are claimed from custody at the Animal Shelter  
 New

Section D. Enforcement, Section 2: Board for owned dogs which are claimed from custody at the Animal Shelter.

### **CATEGORY 15 – DOG POUND SERVICE FEE**

- 2) The owner or keeper of any dog found and/or picked up in an area's trash collection day before the trash has been picked up shall be required to pay a ten (\$10.00) dollar service fee in order to obtain the release of said dog from the custody of the Animal Control Department.

This fee shall apply to any dog picked up, whether or not the dog is tagged, whether or not the dog is impounded, and whether or not the owner or keeper's residence is within the trash pick-up area in which the dog is found.

This fee shall be in addition to any board fees, license fees and court fines applicable.

- 2) The owner or keeper of any dog which is picked up and/or impounded as a stray or lost dog by the Animal Control Department and which is unlicensed or not wearing a license tag for the current year shall be required to pay a ten (\$10.00) dollar service fee to secure the dog's release. Said fee shall be in addition to any board fees or license fees applicable.

Article 11: April 8, 1985

Approved by Attorney General: May 24, 1985

Amended: Article 18, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 15

Dog Pound Service Fee

Old Referral XXII (Same Title)

New Category 15 (Above)

Change: Fees have been increased from \$5.00 to \$10.00 pertaining to the release of stray or lost dogs

### **CATEGORY 16 - FEE FOR LICENSING OF DOGS**

The Town has voted to accept the provisions of Massachusetts General Law Chapter 140, Section 147A, allowing the Town to withdraw from the County Dog Fund and to establish a municipal dog program, with the following provisions and fee structures with an the effective date March 15, 1990.

#### **SECTION 1**

All licensing funds, sale of dog fees, and other fees which were previously delivered to the County shall be retained by the Town of Seekonk.

#### **SECTION 2**

The license fee structure shall be the following:

Spayed female dogs and neutered male dogs

Fee: \$10.00/license/year

Unspayed female dogs and unneutered male dogs

Fee: \$20.00/license/year

Late penalty fee for license purchased after May 31<sup>st</sup> of each year

Fee: \$10.00

Duplicate tag

Fee: \$.50

Kennel license for four (4) or fewer dogs

Fee: \$30.00

Kennel license for more than four (4) dogs but no more than ten (10) dogs

Fee: \$50.00  
 Kennel license for more than ten (10) dogs  
 Fee: \$100.00

### SECTION 3

For each license collected seventy-five cents (\$.75) of the fee will be turned over to the Seekonk Public Library, to be transferred to the Library at the end of each licensing year and applied to the Library budget for the upcoming fiscal year.

### SECTION 4

With the licensing fees, sale of dog fees and late penalty fees collected, a receipts reserved account shall be established, out of which the following expenses will be paid:

- 2) The veterinarian's fee under Ch. 140, S. 151B
- 2) Damages appraised under Ch. 140, S. 161, at the rate established or revised by the County Commissioners, including the appraiser's fee and mileage.
- 2) Costs for printing of license forms.
- 2) Costs for license tags and hooks.
- 2) Other costs and expenses incurred in regulating and enforcing the laws associated with, or the care and custody of, dogs and cats.

Article 3, May 24, 1971

Approved by Attorney General: August 2, 1971

Amended: Article 19, June 8, 1998

Approved by Attorney General: August 27, 1998

Amended Article 15: May 21, 2001

Approved by Attorney General: August 31, 2001

### Category 16

#### Fee For Licensing Dogs

Old Referral XI (Same Title) New Category 15 (Above)

Change: This Category has been entirely rewritten to be consistent with the actions the Town took back in 1990 in which it voted to establish its own Animal Control Program. A complete list of licensing fees has been provided in the new By-law and it provides clear language pertaining to how the funds will be used and allocated including funds which are dedicated to the cost of running the Town Library.

Old

Section 2 Spayed female dogs and neutered male dogs. Fee: \$5.00

New

Section 2 Spayed female dogs and neutered male dogs. Fee: \$10.00

Old

Unspayed female dogs and unneutered male dogs. Fee: \$10.00

New

Unspayed female dogs and unneutered male dogs. Fee: \$20.00

Old

Late penalty fee for license purchased after May 31<sup>st</sup> of each year. Fee: \$5.00

New

Late penalty fee for license purchased after May 31<sup>st</sup> of each year. Fee: \$10.00

## **CATEGORY 17A – EARTH REMOVAL**

### Article I – DEFINITIONS

For the purpose of this By-law:

- 2) "Earth" shall include soil, loam, sand and gravel.
- 2) "Board" shall mean the Board of Selectmen of the Town of Seekonk.



## Article II – PROCEDURE

- 2) No earth in an amount in excess of eight (8) cubic yards shall be moved from any parcel of land within the Town of Seekonk to another parcel either within or without the Town unless such removal is authorized by a permit issued by the “Board”. No earth in an amount in excess of eight (8) cubic yards shall be moved in less than eight (8) cubic yards quantities over any period of time, deemed by the “Board” to be for the purpose of evading any of the provisions of this By-law. No such permit shall be issued, except as provided in Article III, until an application therefore is filed with the “Board” and the “Board” has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least seven (7) days prior to said public hearing.
- 2) Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the “Board” for the proper issuance of a permit, which shall include the following:
  - 2) Name and address of the legal owner of the land in question.
  - 2) Name and address of petitioner, if different.
  - 2) Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
  - 2) Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed excavation, the locations of all structures within two hundred (200) feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the removal operation.
  - 2) A plan of the site indicating the depth of the loam before excavation of intervals of one hundred (100) feet by means of a surveyed grid.
  - 2) Statement of plans for the disposal of rock, tree stumps and other waste materials, and for the drainage of the site and excavation during and after the removal operation.
  - 2) A copy of the plans referred to in above item four (4), shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendation’s to the “Board” on the proposed removal.

## Article III – LIMITATIONS

- 2) No permit for earth removal shall be issued if such removal will (1) endanger the general welfare or safety or constitute a nuisance, (2) will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration, (3) result in traffic hazard in residential areas, or congestion and physical damage to public ways.
- 2) No permit for any earth removal shall be issued for more than one (1) year’s duration, and may be renewed thereafter.
- 2) In approving the issuance of a permit, the “Board” shall impose all reasonable requirements which shall be deemed necessary by the “Board” and may include: grading, seeding, and planting, fencing necessary for public safety, methods of removal, locations and use of structures, hours of operation, routes of transportation of material removed, control of drainage, disposition of waste material incident to the operation, etc.
- 2) The “Board” may require suitable bond or other security adequate to assure compliance with any of the provisions of this by-law.
- 2) A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:
  - 2) Moving of earth within the limits of an individual parcel or series of contiguous parcels of land in single ownership.
  - 2) Removal of earth from the site (1) where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway. (2) where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.
  - 2) The moving and removal of earth for any municipal purpose by or on behalf of the Town of Seekonk.
  - 2) A non-commercial operation of moving and removal of earth within the Town of Seekonk by one load not in excess of eight (8) cubic yards.
  - 2) An approved sub-division under five (5) houselots.

## Article IV – VALIDITY

The invalidity of any section of this By-law shall not invalidate any other section or provision thereof.

#### Article V – PENALTY

Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, Ter. Ed., Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than \$50.00 for the first offense, not more than \$100.00 for the second offense, not more than \$200.00 for any subsequent offense.

The “Board” may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by-law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by-law.

Adopted: April 23, 1963

Amended RTM Article #21: April 11, 1988

Approved by Attorney General: May 19, 1988

Amended: Article 20, June 8, 1998

Approved by Attorney General: August 27, 1998

### **TOWN OF SEEKONK REQUEST FOR EARTH REMOVAL SPECIAL PERMIT**

A request in writing is to be submitted to the Building Inspector, 100 Peck Street, Seekonk, MA 02771.

The request shall include:

2) Site location of the earth removal:

Plat and Lot Number \_\_\_\_\_

Street Address (required): \_\_\_\_\_

b) Name and Address of the legal owner of the land:

c) Name and address of petitioner, if different: \_\_\_\_\_

2) Amount of earth to be removed (in cubic yards):

Type: Gravel, Fill, Loam, etc.

e) Location of where earth is to be moved to: \_\_\_\_\_

f) Hours of operation shall be:

\_\_\_\_\_ AM to \_\_\_\_\_ PM

g) Name and address of construction company to do the earth removal: \_\_\_\_\_

2) Check where applicable:

2) \_\_\_\_\_ Moving of earth within the limits of an individual parcel or series of contiguous parcels of land in a single ownership.

2) \_\_\_\_\_ Removal of earth from the site (1) where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway. (2) where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.

2) \_\_\_\_\_ The moving and removal of earth for any municipal purpose by or on behalf of the Town of Seekonk.

2) \_\_\_\_\_ A non-commercial operation of moving and removal of earth within the Town of Seekonk by one load not in excess of eight (8) cubic yards.

5) \_\_\_\_\_ Approved sub-division under five (5) houselots.

2) Signature of Representative \_\_\_\_\_

j) Date \_\_\_\_\_

Application Approved \_\_\_\_\_ Disapproved \_\_\_\_\_

Stipulations or Reasons for disapproval: \_\_\_\_\_

Inspector

Date

Category 17A

Earth Removal

Old Referral I (Same Title) New Category 17 (Above)

Change: Under Article IIA the amount of yards removed has been increased from (1) one to (8) eight. Article III 4 increased the amount of cubic yards from (2) two to (8) eight.

### **CATEGORY 17B – PLACEMENT OF FILL**

#### Article I – DEFINITIONS

For the purpose of this By-law:

- 2) "Earth" shall include soil, loam, sand and gravel.
- 2) "Board" shall mean the Board of Selectmen of the Town of Seekonk.

#### Article II – PROCEDURE

- 2) No earth in an amount in excess of thirty (30) cubic yards shall be placed on any parcel of land within the Town of Seekonk unless such placement is authorized by a permit issued by the Board of Selectmen. No earth in an amount in excess of (30) cubic yards shall be placed in less than (30) cubic yard quantities over any period of time, deemed by the "Board" to be for the purpose of evading any of the provisions of this By-law. No such permit shall be issued, except as provided in Article III, until an application therefore is filed with the "Board" and the "Board" has held a public hearing on its application, after publication of the time, date and place, and reason for such public hearing has been advertised in one or more newspapers having general distribution in the Town, at least seven (7) days prior to said public hearing.
- 2) Applications for such permits shall be accompanied by exhibits and documentation deemed necessary by the "Board" for the proper issuance of a permit, which shall include the following:
  - 2) Name and address of the legal owner of the land in question.
  - 2) Name and address of petitioner, if different.
  - 2) Proof by the applicant that all owners of record of abutting property have been notified by the applicant by registered or certified mail of the application for the permit.
  - 2) Plans of the land prepared by a registered engineer or land surveyor and indicating: tract boundaries, adjacent streets and roads, the limits of the proposed fill, the locations of all structures within two hundred (200) feet of said limits, original topography by five-foot contours, proposed final contours at five-foot intervals, and the location and proposed use of all structures and buildings to be used in connection with the placement operation.
  - 2) Statement of plans for the drainage of the site during and after the fill operation.
  - 2) A copy of the plans referred to in above item four (4), shall be filed by the applicant with the Superintendent of Public Works & the Planning Board of the Town of Seekonk at least twenty-one (21) days prior to the date of the public hearing. It shall be the duty of the Superintendent of Public Works and the Planning Board to make written recommendations to the "Board" on the proposed placement.
  - 2) Statement of origin of fill material.

#### Article III – LIMITATIONS

- 2) No permit for earth placement shall be issued if such placement will:
  - 2) endanger the general welfare or safety or constitute a nuisance,
  - (2) will result in detriment to the normal use of adjacent property by reason of noise, dust, or vibration,
  - (3) result in traffic hazard in residential areas, or congestion and physical damage to public ways.
- 2) No permit for any earth placement shall be issued for more than one (1) year's duration, and may be renewed thereafter.
- 2) In approving the issuance of a permit, the "Board" shall impose all reasonable requirements which shall be deemed necessary by the "Board" and may include: grading, seeding, and planting, fencing necessary for public safety, methods of placement, locations and use of structures, hours of operation, routes of transportation of material, control of drainage, disposition of waste material incident to the operation, certification that the fill is in no way hazardous or environmentally unsuitable.
- 2) The "Board" may require suitable bond or other security adequate to assure compliance with any of the provisions of this by-law.
- 2) A special permit, not requiring a public hearing, shall be issued by the building inspector for the following:
  - 2) Placement of earth to a site where a building is under construction pursuant to a building permit to the extent as may be necessary to install the foundation and basement of the building, septic system, sidewalks and driveway.
  - 2) Placement of earth to a site where a road is under construction pursuant to a permit or by governmental authority to the extent as may be necessary to complete the project as planned.

- 2) The moving and placement of earth for any municipal purpose by or on behalf of the Town of Seekonk.

#### Article IV – VALIDITY

The invalidity of any section of this By-law shall not invalidate any other section or provision thereof.

#### Article V – PENALTY

Any person, firm, or corporation willfully violating, disobeying or refusing to comply with any of the provisions of this By-law shall be prosecuted under the terms of General Laws, Ter. Ed., Chapter 40, Section 21, Paragraph 17, and shall be subject to a fine of not more than \$100.00 for the first offense, not more than \$200.00 for the second offense, not more than \$300.00 for any subsequent offense.

The “Board” may revoke or suspend the permit of any person, firm, or corporation holding a permit under this by-law if such person, firm, or corporation violates, disobeys, or fails to comply with any of the provisions of this by-law.

Adopted: Article 21, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 17B - Placement of Fill (New Category)

New This new By-law would regulate the bringing in and placement of fill in the Town for all non-permitted activity. There have been instances where individuals have brought in substandard amounts of fill to certain locations throughout the Town and have altered the landscape and caused potential and real nuisances for abutters. This permit would reasonably regulate this activity.

### **CATEGORY 18 – CURB CUTS**

No Town way shall be dug up, nor opening made therein for any purpose, nor shall any material be dumped or placed thereon or removed therefrom and no tree shall be planted or removed or obstruction or structure placed thereon or removed therefrom or changed without the written permission of the Department of Public Works, and then only in accordance with its regulations, and the work shall be done under its supervision and to its satisfaction, and the entire expense of replacing and resurfacing the highway at the same level and in as good condition as before, with materials equal in specifications to Massachusetts Highway Department standards, shall be paid by the persons to whom the permit was given or by whom the work was done. The Department of Public Works shall require a bond to guarantee the faithful and satisfactory performance of the work and payment for any damage to Town Highways and facilities caused by or resulting from the operations authorized by such permit. The amount of said bond shall be determined by the Department of Public Works not to exceed the estimated cost of the work and possible damage, but shall not be less than two thousand dollars (\$2,000) nor more than one hundred thousand (\$100,000) dollars.

Any person who builds or expands a business, residential or other facility intending to utilize an existing access or a new access to a Town way so as to generate a substantial increase in or impact on traffic, shall be required to obtain a permit under this By-law prior to constructing or using such access. No Building Permit shall be issued without benefit of said permit. Said person may be required by the Department of Public Works to install and pay for, pursuant to a permit under this Section, standard traffic control devices, pavement markings, channelization, or other highway improvements to facilitate safe and efficient traffic flow, or such highway improvements may be installed by the Department of Public Works and up to one hundred percent of the cost of such improvements may be assessed upon such person.

The Department of Public Works may issue written orders to enforce the provisions of this By-Law or the provisions of any permit, regulation, order or approval issued under this By-Law. Any person who violates any provision of this By-Law or any permit, regulation, order or approval issued hereunder shall be punished by a fine of not more than three hundred (\$300.00) dollars per day for each violation; provided, however, that each day such violation occurs or continues shall be a separate offense.

Article 5 adopted by Special Town Meeting: January 23, 1989

Approved by Attorney General: March 16, 1989

Amended: Article 22, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 18 - Curb Cuts

Old Referral Category XXX (Same Title)

New Maximum Bond has been increased from \$50,000 to \$100,000. A copy of the actual Road Opening/Curb Cut Policy and Application has been provided as reference to the By-law.

**TOWN OF SEEKONK  
TO ALL CONTRACTORS AND UTILITY COMPANIES:**

Enclosed please find the Town of Seekonk Road Opening/Curb Cut Policy and application as approved by the Board of Selectmen.

Each contractor or utility representative is required to fill out and submit a completed application for each SEPARATE road opening or curb cut location. EACH APPLICATION SHALL BE ACCOMPANIED BY A CHECK OR MONEY ORDER IN THE AMOUNT OF \$50.00. Payment shall be returned to any party whose application is denied by the Superintendent of Public Works. Failure to submit said payment shall result in the denial of the permit request.

Each contractor and utility company are bound by the terms and conditions of this permit application. Failure to adhere to the stipulated requirements shall be considered a breach of contract which may have an adverse impact on the immediate project associated with the permit violation as well as future permit application requests.

TOWN OF SEEKONK ROAD/CURB OPENING PERMIT

PERMIT NUMBER \_\_\_\_\_ DIG SAFE NUMBER \_\_\_\_\_

Application is made by \_\_\_\_\_

Name, Address & Tel. # of Contractor \_\_\_\_\_

Description/Purpose of Work (Attach Engineering Plan) \_\_\_\_\_

feet in length by \_\_\_\_\_ in width at the \_\_\_\_\_

following location(s) \_\_\_\_\_

Approval, if given by the Town of Seekonk and accepted by said applicant shall be upon these express conditions: That said applicant shall conform to the Statutes and By-laws of the Commonwealth of Massachusetts and Town of Seekonk, respectively, in effect, and that may hereafter be in effect; that this permit may be revoked at any time by the Superintendent of Public Works; that between the hours of twilight and sunrise, the applicant will cause the road/sidewalk area to be safely marked by suitable signage or lighting and any excavated area to be completely filled or securely covered to allow for suitable vehicular or pedestrian traffic, that during the workday period, the applicant shall have a suitable traffic control presence as determined by the Seekonk Police Department and that before any work is started under this application, the applicant shall, if requested by the Town of Seekonk, provide a bond or insurance policy, in an amount and in such insurance company as determined by the Town with the Town named as a party insured against liability or indemnified for any or all damage or injury which may result to any property or party due to the work project or operation of the applicant, its agents or subcontractors.

EXCEPTIONS© NO ROAD OPENING PERMIT SHALL BE GRANTED BY THE TOWN ON ANY ROADWAY SURFACE THAT HAS BEEN RESURFACED WITHIN THE PAST FIVE (5) YEARS UNLESS A DEMONSTRATED EMERGENCY EXISTS.

2) NO ROAD OPENING PERMIT SHALL BE GRANTED BY THE TOWN WHEREBY THE REQUESTING PARTY HAS THE ABILITY TO BORE UNDER THE ROAD SURFACE TO EFFECTUATE REPAIRS, INSTALLATIONS, ETC. DOCUMENTATION MUST BE PROVIDED TO THE TOWN TO INDICATE THAT BORING WILL NOT BE SUCCESSFUL AND THAT A ROAD CUT IS NECESSARY.

This is to certify that the undersigned has this day applied to and received from the Town of Seekonk Public Works Superintendent the approval of which the above is a true copy, which is hereby accepted under the terms and conditions specified herein.

\_\_\_\_\_  
Seekonk Public Works Department

\_\_\_\_\_  
Applicant

Specifications For Repairing Streets and Sidewalks

Where a cement concrete sidewalk or hot-mixed bituminous concrete pavement is removed, broken or disturbed during the course of repairing, or installing underground utilities within the public ways of the Town of Seekonk the excavation and repair work will be carried out in accordance with the following specifications:

Prior to beginning any excavation, the existing pavement shall be cut along a straight line to prevent over-breaking. During excavation, any large stones, pieces of wood, tree limbs, roots, peat or other organic soil shall be carefully segregated and removed from the site. Remaining soil materials shall be stockpiled on-site and used for backfilling the trench, unless the Superintendent of Public Works specifically requests the use of a substitute backfill material.

Backfill shall be placed in uniform layers, not exceeding twelve inches (12") in depth, and each layer shall be mechanically tamped to assure adequate compaction. The top twenty inches (20") of trench backfill shall consist of the following: 1) Fifteen inches (15") of approved select gravel (placed and compacted in two uniform layers) and 2) Five inches (5") of bituminous concrete Type I pavement (placed and compacted in two equal layers)

The five inch (5") bituminous concrete paving shall extend six inches (6") either side of the dimensions of the original excavation and meet the existing pavement along a fresh, straight cut edge. This vertical edge of existing pavement shall be thoroughly covered with a tack coat of bituminous prior to placing the new bituminous concrete pavement. Upon completion of the patch, the joint between the new and old pavements shall be thoroughly sealed with a liquid bituminous seal coat or crack sealer. On streets which have been resurfaced within the previous FIVE (5) years, the entire width of the roadway shall be overlaid with a fifteen inch (15") machine laid dense mix conforming to Massachusetts Highway Department standards. Where the trench is to one side of the street or perpendicular to the direction of traffic, the width of the fifteen inch (15") overlay shall be a minimum of twelve feet (12') (six feet (6') either side of the center line of the trench where possible), unless approval to omit the overlay has been granted in writing by the Superintendent of Public Works.

In no instance shall the thickness of the patch be less than the thickness of the surrounding roadway pavement. At those locations having a reinforced cement concrete slab underlying the bituminous concrete surface, a six inch (6") cement slab shall be placed over the trench. This concrete slab shall consist of 3000 PSI early strength, air-intrained concrete, and shall extend a minimum of one foot (1') onto the original ground beyond either side of the trench. This slab shall have steel reinforcing for tensile strength place in accordance with good engineering practice. The top of the concrete must remain at least four inches (4") below the grade of the existing pavement.

If utility manholes or castings have to be raised or otherwise adjusted in height or location, the existing pavement shall be removed for a minimum distance of two feet (2) from the edge of the casting. The thickness of bituminous concrete paving within this area shall be gradually transitioned from four inches (4) minimum thickness at the perimeter of the patch to the full depth of the casting. The area near the casting should be compacted with extra care to assure that good densification occurs around the manhole. Sidewalks, where disturbed, shall be replaced to the entire width with materials of the same composition as these removed. Similarly, any curbs or berm disturbed will be replaced in kind. Extreme care shall be exercised to prevent damage to major root systems of trees.

Any temporary patching deemed necessary by the Contractor shall be maintained in good repair at all times. The Town of Seekonk reserves the right to make any temporary repairs it deems necessary to maintain the street in a safe and usable condition, and to charge the Applicant for all costs involved in such repair. THE APPLICANT UNDER WHOSE PERMIT THE CONTRACTOR IS PERFORMING ANY WORK SHALL BE RESPONSIBLE TO KEEP SUCH EXCAVATION IN GOOD CONDITION FOR A PERIOD OF TWO (2) YEARS FOLLOWING PROJECT COMPLETION.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
DPW Superintendent Signature

PROJECT COMPLETION DATE \_\_\_\_\_

### **CATEGORY 19-DEPOSITING SNOW ON TOWN STREETS**

No person other than an employee in the service of the Town or an employee in the service of a private contractor acting on behalf of the Town shall pile, push or plow snow or ice onto Town property.

Whoever violates this by-law shall be punished by a fine of not more than one hundred and fifty (\$150.00) dollars per offense.

Article 6 adopted by Special Town Meeting: January 23, 1989

Approved by Attorney General: March 16, 1989

Amended: Article 23, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 19 - Depositing Snow on Town Streets

Old Referral Category XXXI (Same Title) New Category

## **CATEGORY 20 - WATER DISCHARGED**

No person shall pump, drain or discharge water or cause to be pumped, drained or discharged upon any street or other public place in the Town of Seekonk without receiving prior written approval from the Superintendent of Public Works restricting the time and manner of said discharge. Under no circumstances shall said discharge cause a public inconvenience or interfere with the safety of the public.

The Penalty for violation of the foregoing shall be not more than fifty dollars (\$50.00), for each actual day of violation and the actual cost to repair damage.

However, in the case of pumping ground water due to infiltration of a residential dwelling, the homeowner and the Superintendent of Public Works, and the Town Engineer shall make recommendations to resolve the situation in the best interest of both parties. The Penalties for discharging ground water from a residence on to a street or other public place shall only be enforced if the residential owner, upon meeting with the Superintendent of Public Works and the Town Engineer refuses to cooperate and enact any reasonable and viable solution recommended by the Superintendent of Public Works and/or the Town Engineer.

Adopted: Article 24, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 20 - Water Discharge (New Category)

## **CATEGORY 21 - REFUSE, GARBAGE**

No person shall put, place or throw or cause to be put, place or thrown in or upon any street or other public place in the Town of Seekonk, any stone, dirt, wood or refuse matter, or rubbish of any kind. No person shall deposit in any street or other public place or on any land belonging to the Town, any rocks, stone, building materials, brick mason's and brick layers rubbish or matter, or erect or place thereon any staging or other structure or allow fuel to remain on any street or sidewalk overnight, without the written consent of the Superintendent of Public Works or the Board of Selectman, prescribing the time and manner of such deposit. Penalty for the violation of the foregoing shall be not more than one hundred dollars (\$100.00) for each offense and actual cost of removed and legal disposal of said articles.

Approved: February 2, 1940

Amended Article: April 29, 1963, Approved by the Attorney General: July 26, 1963

Amended: Article 25, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 21 - Refuse, Garbage

Old Referral Category V (Same Title)

New Highway Superintendent of Board of Selectmen changed to read Superintendent of Public Works or the Board of Selectmen. Also the penalty went from \$50 to 100 plus the actual cost of removal and proper disposal of said Articles.

## **CATEGORY 22 - FENCING OF SWIMMING POOLS**

### **SECTION - 1 DEFINITION**

Fencing for public, semi-public or private swimming pools as defined by the Mass. State Building Cod 780 CMR 6<sup>th</sup> edition and subsequent editions and Mass. General Laws Chapter 140, Section 206 shall be provided and maintained at all time to prevent access to children up to eight years of age. The Inspector of Buildings shall approve all fencing, and shall inspect all swimming pools and fencing before any pool is filled and placed into use. This provision shall also apply to pools and fencing in existence on or prior to the effective date of adoption of this By-Law.

### **SECTION 2 – ENFORCEMENT**

The Inspector of Buildings is the Enforcement Officer of this By-Law.

The penalty for violating the provisions of By-law Category 22 shall be not more than \$50.00 dollars per day for this offense. Each day in violation constitutes a new offense.

Article 12: May 24, 1976

Approved by Attorney General: December 11, 1976

Section 2, third and fourth paragraphs were added by Article 4: January 17, 1977.

Approved by Attorney General: May 2, 1977

Amended: Article 26, June 8, 1998

Approved by Attorney General: August 27, 1998

Amended: Article 9 May 28, 2002  
 Approved by Attorney General July 1, 2002  
 Category 22 - Fencing of Swimming Pools  
 Old Referral Category XVI (Same Title)

New Added to the new By-law is reference to the State CMR 780  
third paragraph under section 2 fencing

### **CATEGORY 23 - TREE TRIM BY-LAW**

Any public utility desiring to trim, cut or remove trees within OR EXTENDING OVER a public way shall obtain a prior written approval of the Tree Warden. The utility shall pay the town a fee for inspection as established by the Board of Selectmen.

Article 6: October 1, 1984  
 Approved by Attorney General: January 8, 1985  
 Amended: Article 27, June 8, 1998  
 Approved by Attorney General: August 27, 1998

Category 23 - Tree Trim By-law  
 Old Referral Category XXVI Tree Trimming

New The second line the word "with" was changed to "within" or  
extending over.....

### **CATEGORY 24 - SALE OF MOTOR VEHICLES**

It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town, to offer for sale a motor vehicle(s) without being properly licensed by the Board of Selectmen. Any person or persons offering for sale in excess of 3 (three) motor vehicles in a 12 month period shall be defined as a motor vehicle dealer and shall be duly licensed by the Board of Selectmen.

This shall not prohibit the owner or the person occupying or having charge of any building or premises to offer for sale, a motor vehicle owned by him. It shall be a requirement that the vehicle be currently registered to the owner, occupant or person in charge of the property or that the vehicle be registered to the property owner, occupant or person in charge of the property (verified by the registration certificate). If there is not a registration available, the title may be substituted.

Vehicles which are properly offered for sale must be parked on the property of the owner, occupant or person in charge of the property and must be parked in such a manner not to obstruct the line of vision of others traveling on public or private ways.

Violators shall be subject to a fifty dollar (\$50.00) fine. Each day of violation shall constitute a separate offense. The Police Department shall be the Enforcement Agent for this By-Law.

Adopted: Article 28, June 8, 1998  
 Approved by Attorney General: August 27, 1998  
 Amended Article 8 May 28, 2002  
 Approved by Attorney General July 1, 2002

Category 24 - Sale of Motor Vehicles (New Category)  
 Changes adopted November 17, 2003 Special Town Meeting  
 Approved by Attorney General December 4, 2003

### **CATEGORY 25 - UNREGISTERED VEHICLES**

It shall be unlawful for the owner or occupant of any premises to have more than one unregistered motor vehicle unless the same is kept in a fully enclosed primary structure. This shall not apply to premises where there is a valid license under Mass. General Laws, Chapter 140, Section 58, nor to vehicles used on the premises in agriculture or any work where a vehicle registration is not required. Upon notice to remove such vehicle the owner or controller of said premises shall have a period not to exceed 10 days to effect such removal or be subject to a fine of fifty dollars (\$50.00) for each day the violation continues.



An unregistered vehicle located on the owner's property that is not kept in a fully enclosed primary structure, shall be parked on the property of the owner and must be parked not to obstruct the line of vision of others traveling on public or private ways.

It shall be the responsibility of the Police Department to insure compliance with this By-law.

Article 25: March 21, 1966

Approved by Attorney General: April 18, 1966

Amended Article 24: October 18, 1982

Approved by Attorney General: July 31, 1984

Amended: Article 29, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 25 - Unregistered Vehicles

Old Referral Category X (Same Title)

New Omit the last two sentences and replace with Upon notice to remove such vehicle the owner or controller of said premises shall have a period not to exceed 10 days to effect such removal or be subject to a fine of \$50 for each day the violation continues.

ADD NEW PARAGRAPH:

An unregistered vehicle maintained on the owner's property that is not kept in a fully enclosed structure, shall be parked in the driveway at a minimum distance of fifteen feet from the entrance of the driveway. Individuals with driveways shorter than fifteen feet must park the vehicle at the inward end of the driveway. It shall be the responsibility of the police department to insure compliance with this By-law.

Changes adopted November 17, 2003 special town meeting

Approved by Attorney General December 4, 2003

### **CATEGORY 26 - ANTI-NOISE BY-LAW**

It shall be unlawful for any person or persons occupying or having charge of any building or premises or any part thereof in the Town, to cause or suffer or allow any unnecessary, loud, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or in the use of any exclamations or other loud or boisterous noise or loud and boisterous singing by any person or group of persons or in the use of any device to amplify the aforesaid noise, where the noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, structure, vehicle or premises in which or from which it is produced. The fact that noise is plainly audible at a distance of one hundred and fifty (150) feet from the vehicle or premises from which it originates shall constitute prima facie evidence of a violation of this By-law. Any person violating this By-law shall be punished by a fine of fifty (\$50.00) dollars for each offense.

It shall be unlawful for any person or persons being present in or about any building, dwelling, premises, shelter, boat or conveyance or any part thereof, other than that section of any establishment licensed under Chapter 138 of the Mass. General Laws, who shall cause or suffer or countenance any loud unnecessary, excessive or unusual noises in the operation of any radio, phonograph or other mechanical sound making device, or instrument, or reproducing device or instrument, or in the playing of any band, orchestra, musician or group of musicians, or the making of loud outcries, exclamations or other loud or boisterous noise of loud and boisterous singing by any person or group of persons, or in the use of any device to amplify the aforesaid noise, where the aforesaid noise is plainly audible at a distance of one hundred and fifty (150) feet from the building, dwelling, premises, shelter, boat or conveyance in which or from which is produced. The fact that the noise is plainly audible at a distance of one hundred and fifty (150) feet from the premises from which it originates shall constitute prima facie evidence of a violation of this by-law. Any person shall be deemed in violation of this By-law, who shall make, or aid, or cause, or suffer or countenance, or assist in the making of the aforesaid and described improper noises, distance, breach of peace and the presence of any person or persons in or about the building, dwelling, premises, shelter, boat or conveyance or any part thereof during a violation of the by-law shall constitute prima facie evidence that they are a countenance to such violation. Any person violating this By-law shall be punished by a fine of fifty dollars (\$50.00) for each offense.

Adopted: Article 30, June 8, 1998

Approved by Attorney General: August 27, 1998

## CATEGORY 27 - BUILDING NUMBERS

The Board of Selectmen shall require that every building used for a dwelling house or a place of business in the Town of Seekonk bear, in a conspicuous place, a clear and legible building number. This number must be a minimum of 4" in height and contrast with its background in order to be visible from the street. For building with considerable set backs or situated in a way which the number is not clearly visible from the street, the building number shall be located in a manner in which it can be seen clearly from the street (on a mailbox, post, etc.).

No person shall, for longer than ten (10) days after notification from the Board of Selectmen, Fire Chief, Police Chief or Building Inspector neglect or refuse to affix to, or suffer to remain on, any property owned or leased by him, a street number other than the one designated for such property by either the Building Department or the Board of Assessors. **Failure to meet the terms of the notification shall result in a fine of \$25.00 per day. Such fine shall be levied by either the Police Department, the Fire Department or the Building Inspector.** Each day a violation remains will constitute a separate offense and will be enforced in a manner provided in M.G.L. Chapter 40, Section 21-D.

Adopted: Article 31, June 8, 1998

Approved by Attorney General: August 27, 1998

Amended Article 32, November 16, 1998

Approved by Attorney General: December 22, 1998

Category 26 - Anti-Noise By-law (New)

Category 27 - Building Numbers (New)

## CATEGORY 28 - FIRE LANE PARKING - PROHIBITED

No person shall park or leave unattended a motor vehicle within any part of the area posted and marked as a Fire Lane in any parking area or parking lot, private or public, within the Town of Seekonk. Any person violating this By-law shall be punished by a fine set by the Board of Selectman in accordance with Massachusetts General Law. Vehicles in violation may be towed away at the owner's expense.

Article 6: January 9, 1978

Approved by Attorney General: March 20, 1978

Amended: Article 32, June 8, 1998

Approved by Attorney General: August 27, 1998

Category 28 - Fire Lane Parking - Prohibited

Old Referral Category XVIII (Same Title)

New The second sentence removed and replaced with, Any person violating the By-Law shall be punished by a fine set by the Board of Selectmen in accordance with Massachusetts General Laws. Last sentence remains the same.

## CATEGORY 29 - PUBLIC CONSUMPTION OF ALCOHOLIC BEVERAGES PROHIBITED

No person shall drink any alcoholic beverages as defined in Chapter 138, Section 1, of the Massachusetts General Laws, while on, in, or upon any public way to which the public has access; any public park, playground, conservation area, cemetery, parking lot, municipal buildings and the grounds appurtenant thereto. A violation of this By-law shall be deemed to be a breach of the peace. Nothing herein shall be construed to prohibit the use and consumption of said liquor in or upon private properties or dwellings as may be permitted by law. Any person convicted for violation of this By-Law shall be punished by a fine of fifty (\$50.00) dollars for each offense.

Article 7: January 9, 1978

Approved by Attorney General: March 20, 1978

Article 31: November 16, 1998

Approved by Attorney General: December 22, 1998

Category 29 - Public Consumption of Alcoholic Beverages Prohibited

Old Referral Category XIX (Same Title)

New The last sentence, remove "not to exceed" and replace with

"of".

This Category was not included on the June 8, 1998 Special Town Meeting warrant. It will be taken up at the Fall (November) Town Meeting.

### **CATEGORY 30 - SOLICITORS**

#### **SECTION 1 - REGISTRATION REQUIRED**

It shall be unlawful for any person to engage in business as a solicitor, calling at residences without the previous consent of the occupant or without first having registered in the Office of the Chief of Police. Solicitation shall include any business such as, taking orders, sales and subscriptions. The registrant shall give his complete identification, his signature, the name of his employer, the nature of the products or services in which he is interested, the names of the manufacturers of such products, or of the organization which he is representing, and the proposed method of operation in the town.

#### **SECTION 2 - FEE**

Each registrant shall pay to the Town of Seekonk through its Chief of Police, a registration fee of five dollars (\$5.00) for the period expiring thirty days after the date of said registration.

#### **SECTION 3 - CERTIFICATE**

Each applicant who shows evidence of good character and, if required, pays the fee provided for herein shall be furnished a certificate indicating that he or she has registered and showing the dates covered by such registration. Such registration certificate shall expressly require and be issued only upon the condition that each person who intends to solicit in the Town after the hour of five o'clock in the afternoon shall on every such day inform the Office of the Chief of Police of the streets or neighborhood in which the intended solicitation is to occur. Each person shall at all times, while soliciting in the town, carry upon his person the registration certificate and the same shall be exhibited by such registrant at all such times.

#### **SECTION 4 - EXCEPTIONS**

The provisions of this By-Law shall not apply to officers or employees of the town, county, state or federal government, or any sub-division thereof, when on official business.

Persons soliciting solely for religious, charitable or political purposes shall not be required to register.

#### **SECTION 5 - REVOCATION**

Any such registration may be revoked by the Board of Selectmen or the Chief of Police because of any violation by the registrant of this By-law, or whenever the registrant shall cease to possess the qualifications and character required in this By-law for the original registration.

#### **SECTION 6 - PENALTY**

Any person who commits an unlawful act described in Section 1 or violates any of the provisions of Section 3, or carries on the business prescribed in Section 1 after his registration is revoked shall be punished for each offense by a fine of not more than fifty (\$50.00) dollars.

Article 5: November 29, 1971

Approved by the Attorney General: March 20, 1972

Section 3 amended by Article 24: October 1982

Approved by the Attorney General: July 31, 1984

Amended: Article 33, June 8, 1998

Approved by the Attorney General: August 27, 1998

Amended: Article 12, November 18, 2002

Approved by the Attorney General: December 19, 2002

Category 30 - Solicitors and Canvassers

Old Referral Category IX (Same Title)

New Section 2 of Paragraph of new By-Laws was added. Section 4 of the old By-Laws, The last sentence was dropped from this section and transferred to Section 2 Paragraph 2.

### **CATEGORY 31 - LICENSING OF DEALERS IN JUNK, ANTIQUES, SECOND-HAND ARTICLES**

The Board of Selectmen may license suitable persons to be collectors of, dealers in, or keepers of shops for the purchase, sale, or barter of junk, old metals, antiques or second hand articles, and may make rules and regulations relative to their

business, which shall be expressed in all licenses, and may provide for the supervision thereof in accordance with Mass. General Laws, Chapter 140 Section 54.

Whoever acts as a collector of, dealer in, or keeper of a shop for the purchase, sale or barter of junk, old metals, antiques or second hand articles without a license, or in any other place or manner than that designated in his license, or after notice to him that his license has been revoked, or violates any such rule, regulation or restriction, shall be fined one hundred (\$100.00) dollars. Each day will constitute a separate violation.

All outdoor storage or display areas of facilities for materials, products, second hand articles, antiques, junk, old metals, shall be enclosed by a wall of solid appearance or tight evergreen hedge not less than six (6) feet high erected and maintained where necessary to conceal such areas or facilities from public view in conformance with Zoning By-laws.

The purchase, sale or barter of books, prints, coins, or postage stamps shall not be deemed to be the purchase, sale or barter of second hand articles within the meaning of this and the preceding sections, in accordance with General Laws, Chapter 140, Section 55.

Article 5: April 29, 1963

Approved by Attorney General: July 26, 1963

Amended: Article 34, June 8, 1998

Approved by the Attorney General: August 27, 1998

Category 31 - Licensing of Dealers in Junk, Antiques, Second-Hand Articles

Old Referral Category II (Same Title)

New The wording in paragraph 2 was changed to increase the fine amount to \$100 from \$20 and for clarification purposes.

## **CATEGORY 32 - OPEN AIR/TRANSIENT AND TEMPORARY BUSINESS LICENSES**

### **A. TRANSIENT VENDORS**

1. DEFINITIONS: The following words, terms and phrases, when used in this section shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

Transient Vendor: Shall mean any person, either principal or agent, who engages in a temporary or transient business in the Commonwealth selling goods, wares or merchandise, either in one (1) locality or in traveling from place to place.

Temporary or Transient Business: Shall mean any exhibition and sale of goods, wares or merchandise which is carried on in the open air, any tent, booth, building, or other structure, unless such place is open for business during usual business hours for a period of at least twelve (12) consecutive months.

2. LICENSE REQUIRED: It shall be unlawful for any transient vendor to sell, attempt to sell, or exhibit any food, beverage, goods, wares, or merchandise without first applying for and obtaining a license from the Town, approved by the Board of Selectmen and issued by the Town Clerk. Upon the completion and submittal of the license application to the Town, the Board of Selectmen will render a decision within thirty (30) days.

3. APPLICATION: The application for a Transient Vendor's License shall contain all information necessary and relevant to determine whether a particular license may be issued. Such application shall be obtained from and shall be on a form prescribed by the Selectmen. Such application shall include, but not be limited to the following:

a. Proof that the applicant has complied with all applicable Massachusetts laws, including, but not limited to Sections 1-12A of Chapter 101 of the Massachusetts General Laws.

b. Proof of the identity and business address of the applicant, and any other proof of identification which any state or federal agency may require the Town to obtain.

c. Positive proof of identification that the applicant is at least sixteen (16) years of age.

d. A brief description of the nature, character, and quality of whatever is to be sold or exhibited.

e. If employed by another, the name and address of such employer.

f. If a motor vehicle is to be used as part of the business, a description of the vehicle together with the motor vehicle registration number and the license number.

g. A description of the exact location, length of time, hours of operation and days per week during which it is proposed that the business shall be conducted.

h. Any other factors relating to the application or applicant which the Selectmen may deem relevant in determining whether approval of such license is consistent with the best interests of the Town.

4. **EXCEPTIONS:** The Board of Selectmen may, under such conditions they may deem proper, grant to any organization engaged in charitable work or to a post of any incorporated organization of veterans who served in the U.S. Military, a special license authorizing it, for a particular time period to be stated in such license, to conduct under their control a temporary or transient business, provided said activity is for charitable purposes. The conduct of the activity proposed shall be in accordance with the requirements of this By-law unless otherwise stated by the Board of Selectmen.

5. **BOND OR INSURANCE REQUIRED:** No transient vendor shall sell goods, wares or merchandise unless said individual or business has posted bond with or has provided a certificate of liability naming the Town as an "additional insured". Said bond or certificate shall be in an amount as may be determined by the Board of Selectmen and submitted to the Town Clerk.

The applicant shall also sign an agreement providing for indemnification of the Town against any loss which may arise by way of any suit, action or proceeding against the Town as a result of any act or failure to act on the part of such applicant while engaged in the proposed activity.

6. **LICENSE DISPLAY:** Transient Vendor Licenses issued under this By-law and as required by Section 3 of Chapter 101 of the Massachusetts General Laws shall be carried on the licensee's person at all times while the licensee is conducting business. Any licensee who fails, neglects or refuses to exhibit or produce either license, when asked by the Board of Selectmen or their designated agent(s) shall be subject to the same penalty as if the person had no license as well as subject to license revocation.

7. **FEE:** An applicant for a Temporary Transient Vendor license shall pay a fee equal to ten dollars (\$10.00) per day for each day that the licensee is operating their business.

8. **GENERAL PROVISIONS:**

a. Should a license be issued pursuant to this By-law, the licensee shall be responsible for obtaining and maintaining any and all other relevant licenses, permits, seals or approvals from any Town Department, including, but not limited to the Board of Health, Fire Department, Building Inspector/Zoning Officer, Sealer of Weights and Measures, Planning and/or Zoning Board. No such activity authorized under this By-law shall commence until all such permits or approvals have been acquired.

b. Vendors shall not utilize any area designated as parking for any business for purposes of storing wares or otherwise conducting the transient vendor business.

c. Vendor wares, equipment, etc. shall not impede access to the entrance of any adjacent building or driveway.

d. Vendors shall not conduct business or store wares within twenty-five (25) feet of any handicapped parking space or access ramp.

e. Vendors shall be allowed to engage in business only between the hours of 8:00 AM and 9:00 PM. All vending stands must be removed from the site during non-business hours.

f. The vendor shall only have one sign which shall be in conformance with applicable Town By-laws.

g. All trash or debris resulting from the activity of the vendor business shall be collected and removed by the vendor.

9. **SUSPENSION OR REVOCATION OF LICENSE:** Any license issued under the provisions of this By-law may be suspended or revoked for any of the following reasons:

a. Fraud or misrepresentation in the license application.

b. Fraud or misrepresentation in the course of conducting the vendor business

c. Conducting the vendor business in such a manner as to create a public nuisance or constitute a danger to the public health, safety or welfare.

d. Any violation of the conditions and requirements of the licensee as identified in this by-law.

Upon suspension or revocation, the Selectmen shall deliver written notice to the license holder stating the action taken and the reasons supporting such action. The written notice shall be delivered to the license holder's place of business or mailed to the license holder's last known address.

10. **APPEAL:** Persons who are denied licenses under this section or whose license has been suspended or revoked may appeal by filing a written notice of appeal with the Selectmen. The appeal must be filed within seven (7) days after receipt

of the notice of denial, suspension or revocation. The Selectmen shall hear the appeal within thirty (30) days and render a decision within seven (7) days of said hearing.

11. PENALTIES: Any person who violates any provision of this section shall be fined fifty dollars (\$50.00) for each occurrence as well as subject to license suspension or revocation as identified in this section.

Article 23: October 18, 1993

Approved by Attorney General: December 22, 1993

Amended: Article 35, June 8, 1998

Approved by the Attorney General: August 27, 1998

APPLICANT NAME \_\_\_\_\_ TEL.# \_\_\_\_\_  
 HOME ADDRESS \_\_\_\_\_ SS # \_\_\_\_\_  
 BUSINESS NAME \_\_\_\_\_ TEL.# \_\_\_\_\_  
 BUSINESS ADDRESS \_\_\_\_\_  
 BUSINESS FEDERAL ID OR STATE TAX # \_\_\_\_\_  
 MASS TRANSIENT VENDOR LICENSE # \_\_\_\_\_  
 LOCATION WHERE BUSINESS WILL BE CONDUCTED \_\_\_\_\_

DESCRIPTION OF GOODS OR MERCHANDISE TO BE SOLD \_\_\_\_\_

PROPOSE LENGTH OF TIME FOR BUSINESS \_\_\_\_\_

HOURS OF OPERATION \_\_\_\_\_ DAYS PER WEEK \_\_\_\_\_

OWNER OF PROPERTY WHERE BUSINESS WILL BE CONDUCTED \_\_\_\_\_

OWNER ADDRESS \_\_\_\_\_

OWNER TELEPHONE NUMBER \_\_\_\_\_

Applicant Statement: I hereby state that all information provided by me on this application to be true and accurate. I further certify that I have filed all state tax returns and paid all state taxes required under law either personally or on behalf of the business named above. I understand that if any information contained in this application is found to be false or misleading, or that if I or the business fails to adhere to the requirements of the Town of SEEKONK Transient Vendor/Business By-law, that I will forfeit this license forthwith.

\_\_\_\_\_  
 APPLICANT                      DATE                      REASON FOR DENIAL

At a legally convened meeting of the Seekonk Board of Selectmen, the Board voted to \_\_\_\_\_ APPROVE / \_\_\_\_\_ DENY this application.

\_\_\_\_\_  
 CHAIRMAN, BOARD OF SELECTMAN DATE                      REASON FOR DENIAL

#### TRANSIENT BUSINESS SIGN-OFF LIST

APPLICANT NAME (individual or business) \_\_\_\_\_

VENDING LOCATION \_\_\_\_\_

DESCRIPTION OF GOODS/SERVICES TO BE SOLD \_\_\_\_\_

BOARD OF HEALTH: I have reviewed the application and the Board of Health has \_\_\_\_\_ APPROVED / \_\_\_\_\_ DENIED the appropriate licenses based upon the requirements of the Town By-laws and State regulations/statute.

\_\_\_\_\_  
 HEALTH AGENT                      DATE                      REASON FOR DENIAL

BUILDING INSPECTOR: I have reviewed the application and \_\_\_\_APPROVED/\_\_\_\_DENIED the application based upon the requirements of the Town by-laws and the State Building Code/Statute.

\_\_\_\_\_  
BUILDING INSPECTOR                      DATE              REASON FOR DENIAL

FIRE DEPARTMENT: I have reviewed the application and have \_\_\_\_APPROVED/\_\_\_\_DENIED the application based upon the requirements of the Town By-Laws and State regulations/Statute.

\_\_\_\_\_  
FIRE CHIEF                                      DATE              REASON FOR DENIAL

SEALER OF WEIGHTS & MEASURES: I have inspected the weighing and measuring devices intended to be used by the applicant and have \_\_\_\_APPROVED/\_\_\_\_DENIED the certification based on the accuracy of the devices.

\_\_\_\_\_  
SEALER OF WEIGHTS & MEASURES      DATE              REASON FOR DENIAL

### **CATEGORY 32 - OPEN AIR/TRANSIENT AND TEMPORARY BUSINESS LICENSES**

**Old Reference** - CATEGORY XXXXI - OPEN AIR TEMPORARY/TRANSIENT BUSINESS LICENSES

#### **Change**

1.)Section 8 - GENERAL PROVISIONS (f) was changed to allow the vendor to have one sign for their business. Such sign shall be in conformance with all applicable Town By-laws pertaining to the regulation of signs.

#### **No Other Changes**

### **CATEGORY 33 - GARAGE AND YARD SALES**

No person shall sell or offer for sale any goods, wares, merchandise or other articles or substances at any garage or yard sale within the boundaries of the Town of Seekonk without first obtaining a permit from the Office of Town Clerk, no later than 4:00 p.m. on the Thursday proceeding the sale.

A garage or yard sale shall be any sale held on the premises of a house or land abutting thereto within the said boundaries of the Town of Seekonk.

There shall be no more than one (1) two-day (2), nor more than two (2) one-day (1) garage or yard sales per year, at any one (1) location. In any event, there shall be no more than two (2) garage or yard sales per year.

The fee shall be five dollars (\$5.00) per permit, per day.

Said permit may be issued only to the owner of said property.

Said permit issued thereunder shall not be transferable.

Any violations of this By-Law shall be subject to a fine not to exceed fifty dollars (\$50.00). Each day of violation shall constitute a separate offense.

No permit shall be issued without a signature of a public safety official.

Article 24: October 18, 1982

Approved by Attorney General: July 31, 1984

Amended: Article 36, June 8, 1998

Approved by Attorney General: August 27, 1998

### Y A R D S A L E

### **THE COMMONWEALTH OF MASSACHUSETTS TOWN OF SEEKONK**

FEE: \_\_\_\_\_  
DATE \_\_\_\_\_

## APPLICATION FOR YARD SALE PERMIT

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE OF SALE: \_\_\_\_\_ RAIN DATE: \_\_\_\_\_

SIGNATURE OF APPLICANT: \_\_\_\_\_

HOME ADDRESS (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

## -YARD SALE PERMIT

FEE: \_\_\_\_\_

DATE ISSUED: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

DATE OF SALE: \_\_\_\_\_ RAIN DATE: \_\_\_\_\_

LIMIT: (1) ONE (2) DAY YARD SALE PER YEAR - OR- (2) TWO ONE DAY YARD SALES PER YEAR PER HOUSEHOLD.

\_\_\_\_\_  
Public Safety Official\_\_\_\_\_  
DateFEE: \$5.00 PER DAY  
LIMIT: 2 DAYS PER YEAR**YARD SALE PERMITS**These are the yard sale permits that are going to be  
held week ending \_\_\_\_/\_\_\_\_/\_\_\_\_

NAME	LOCATION	DATE OF SALE	RAIN DATE
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\*\* Town Clerk to forward to Police Department by 4:00 p.m. on Friday

**CATEGORY 33 - GARAGE AND YARD SALES****Old Reference** - CATEGORY IIA (Same Title)**Change(s)**1.) In paragraph 1 the wording was changed from Selectmen's Office to the Clerk's Office.2.) A time period was incorporated in which the application for a permit must be filed.3.) In paragraph 4, the fee was increased from from \$2 to \$5.**CATEGORY 34 - LOITERING OR MISUSE OF PUBLIC WAY**

A. Three or more persons shall not stand in a group or near each other on any public way or sidewalk or within a private way, or place to which the public has the right of way or access as invitees, in such manner as to obstruct free passage for pedestrians or vehicles, after a request to move is made by a police officer of the Town. Chapter 41 Section 98, Mass. General Laws.

Any person placing any obstruction on the sidewalk, highway or byway of the Town without a permit from the Board of Selectmen and who refuses to remove such obstruction immediately after receiving notice from a police officer, constable or Selectman, shall be subject to the penalties as provided hereinafter.

B. No person shall play ball, football or throw balls, stones, snowballs or any other missiles within or upon any public way of the Town. No violator of this By-Law shall be subject to the penalties set forth hereinafter unless he or she has been advised by a police officer, constable or Selectman to cease and desist and thereafter fails to do so forthwith after said warning. Any person convicted for violation of this By-Law shall be punished by a fine not to exceed fifty (\$50.00) dollars for each offense.



Article 7: October 1, 1984

Approved by Attorney General: January 8, 1985

Amended: Article 37, June 8, 1998

Approved by the Attorney General: August 27, 1998

#### **CATEGORY 34 - LOITERING OR MISUSE OF PUBLIC WAY**

**Old Reference** - Category XXVII Loitering

#### **Changes**

1.) Added paragraphs 2 and 3 to the new Category.

### **CATEGORY 35A - FIRE DEPARTMENT REGULATIONS**

#### SECTION 1 - FIRE ALARM SYSTEMS

##### **A. Definitions**

1. "FIRE ALARM SYSTEM": An assembly of equipment and devices or single device such as a solid state unit which connects directly into a 110 Volt AC line. Any heat activated, smoke activated, flame energy activated or other such automatic device capable of transmitting a fire alarm signal directly to the Seekonk Fire Department by way of a master box.
2. "FIRE ALARM SYSTEM MALFUNCTION": The transmittal of a fire alarm directly to the Seekonk Fire Department via a master box which alarm is caused by a malfunction. For the purposes of this By-Law, a malfunction is defined as the failure of a fire alarm system to operate in the normal or usual manner due to improper installation of maintenance and/or mechanical defect(s) in the system, resulting in the transmittal of a needless alarm signal to the Seekonk Fire Department.
3. "FIRE ALARM SYSTEM OWNER": An individual or entity who owns the title to and/or has on his business a fire alarm system equipped to send a fire alarm signal directly to the Seekonk Fire Department by way of a master box. Excluded from this definition are residential properties, municipal, county, state and federal agencies.
4. "HALF-YEAR PERIOD": January 1 through June 30 or July 1 through December 31, as the case may be, of any calendar year.
5. "MASTER BOX OWNER": An individual or entity who has on his business a fire alarm system equipped to send a fire alarm signal directly to the Seekonk Fire Department via a master box.
6. "MALICIOUSLY INDUCED ALARM": An owner will not be assessed a fine for a maliciously induced alarm but a criminal complaint shall be brought against the initiator of the alarm. The authority having jurisdiction will determine through proper investigation whether or not the alarm was false or maliciously induced.

##### **B. Administrative Rules:**

The Fire Chief may promulgate such rules as may be necessary to the implementation of this By-Law.

##### **C. Requirements:**

Any commercial/industrial property required by law to have an internal Fire Alarm or sprinkler system will have a direct connection to the Seekonk Fire Department by way of a master box. A knox box will also be installed in an agreeable location to the Seekonk Fire Department.

##### **D. Connection of Fire Alarm Systems to the Seekonk Fire Department:**

Before the fire alarm system is connected to the Seekonk Fire Department, the master box owner shall provide the Fire Chief or his designee with the following information:

1. The name, address, and home and work telephone numbers of the master box owner.
2. The street address where the master box is located.
3. The names, addresses and telephone numbers of the persons or businesses protected by the fire alarm system connected to the master box.
4. The names, addresses and home and work telephone number of at least two other persons other than the owner who can be contacted twenty-four hours a day, who are authorized by the master box owner to respond to an alarm signal and who have access to the premises in which the master box is located.

If, at passage of this By-Law, a fire alarm system has already been connected to the Seekonk Fire Department via a master box, the master box owner shall comply with the requirements of this section within sixty (60) days after the Seekonk Fire Department has receipt of a registered/returned receipt letter of the requirements of this section.

If a master box owner fails to comply with this section, the Fire Chief or his designee may assess a fine of (\$50.00) fifty dollars for each day of non-compliance.

**E. Updating Information:**

Every master box owner shall be responsible for updating information herein required to be provided to the Fire Chief or his designee. If the information needs changing, the master box owner shall provide the Fire Chief or his designee with the updated information by the January 1st, following the changes. If a master box owner fails to comply with this section the Fire Chief or his designee shall assess a fine of (\$50.00) fifty dollars for each day of non-compliance.

**F. Master Box Service Fees:**

There will be annual fee of \$125.00 for each privately owned Master Fire Alarm Box. Fee payable within thirty (30) days of date of issue. Box services provided by the Fire Alarm Division, Seekonk Fire Department as specified in the Fire Alarm Rules and Regulations 8-1.1-8-1.7 as adopted by the Board of Selectman January 19, 1989, and amended from time to time.

**G. Testing of Equipment:**

No alarm system designed to transmit emergency messages directly to the Seekonk Fire Department shall be worked on, tested or demonstrated without obtaining permission from the Seekonk Fire Department communications section. An unauthorized test constitutes a false alarm.

Permission is NOT required to test or demonstrate alarm devices not transmitting emergency messages directly to the Seekonk Fire Department.

**H. Penalties:**

Upon receipt of three (3) or more false alarms within a six (6) month period from commercial/industrial properties, the Fire Chief or his designee may assess a fine pursuant to the Massachusetts General Laws chapter 40, Section 21 against the fire alarm system owner.

The following acts and omissions shall constitute violations of the By-Law punishable by the fines herein provided:

1. An alarm user whose alarm system transmits or otherwise causes more than three (3) false alarms in a one (1) year period shall be assessed a fine according to the following schedule:

a. Fourth False Alarm	\$100.00
b. Fifth False Alarm	\$150.00
c. Sixth False Alarm	\$200.00
d. Seventh False Alarm	\$250.00
e. Eighth False Alarm	\$300.00
f. Any Subsequent False Alarms	\$300.00

2. An alarm user who fails to comply with any of the requirement of paragraph G "Testing of Equipment" of this By-Law, shall be subject to a penalty of \$300.00.

**I. Burn in Period:**

A burn in period of thirty (30) days from final inspection will be granted during which time no fines will be assessed.

**J. Separability:**

If any clause, sentence, paragraph, or part of this local law or the application thereof to any persons or circumstances shall for any reason be adjudged by a Court to be invalid, such judgment shall not affect, impair or invalidate the remainder of the application thereof to other persons or circumstances but shall confirm in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy, in which such judgment shall have been rendered, and to the person or circumstances involved.

**K. Permit Fees Allowable (Mass. Gen. Law 148)**

**1. FIRE ALARM FEES**

Any commercial or industrial properties requiring an internal Fire Alarm and/or sprinkler system tied to the Seekonk Fire Department, will be required to obtain a permit for the connection of the auxiliary systems the municipal fire alarm system from the authority having jurisdiction (The Chief or his designee).

There will be a non-refundable fee of \$25.00 to be submitted with the completed application. As specified in Fire Alarm Rules and Regulations 1-5.5 adopted January 18, 1989 and amended from time to time.

**2. BLUE PRINT & PLAN REVIEW**

Any commercial or industrial properties requiring an internal Fire Alarm and/or sprinkler system tied to the Seekonk Fire Department, there will be a non-refundable fee of \$25.00 for the purpose of reviewing blue prints and/or plans submitted to the Fire Department required by the authority having jurisdiction (The Chief or his Designee) with a stamp of approval. As specified in Fire Alarm Rules and Regulations 2-11 as adopted January 18, 1989 and amended from time to time.

### **TOWN OF SEEKONK FEE SCHEDULE**

**AS ALLOWABLE BY MGL CHAPTER 148 FIRE PREVENTION RULES AND REGULATIONS OF COMMONWEALTH OF MASSACHUSETTS.**

	FEE
SMOKE DETECTOR INSPECTION	\$10.00
BLASTING PERMITS	\$10.00
PROPANE STORAGE TANKS UNDER 2,000 GALLONS	\$10.00
PROPANE STORAGE OVER 2,000 GALLONS	\$20.00
OIL/FUEL TANK REMOVAL	\$10.00
GASOLINE TANK REMOVAL	\$200.00
DISPLAY OF FIREWORKS	\$10.00
OIL BURNER INSTALLATION	\$10.00
CERTIFICATE OF OCCUPANCY	\$00.00
TANK TRUCK INSPECTIONS	\$15.00
BRUSH BURNING PERMITS	\$ 5.00
FIRE WORKS PERMIT	\$25.00
BLUE PRINT AND PLAN REVIEW	\$25.00

**NOTE:**

Fee structure was established at the Town Meeting of April 1988.

Fee structure was rescinded at the Town Meeting of January 1989.

Fee structure was re-established by adopting Section 22F of Chapter 40 of the MGL at the Town Meeting of April 1992.

Fee structure now a By-Law - #25

Adopted: Article 38, June 8, 1998

Approved by the Attorney General: August 27, 1998

### **CATEGORY 35A - FIRE DEPARTMENT REGULATIONS**

**Old Reference** Category XXI Alarm By-Law

**Change**

Completely Replaces Category XXI in the old By-Laws

#### SECTION 1 - PURPOSE AND SCOPE

(a) This section does not apply to anyone who has a Master Box installed. Please See Fire Department Regulations. This By-Law governs burglary, robbery and fire alarm systems, established service fees and provides a system of administration.

(b) Any building 7500 square feet or more shall be required to connect to the municipal fire alarm system effective upon approval of these By-Laws by town meeting.

(c) The purpose of this By-Law is to reduce the number of false alarms and thereby protect the public safety by minimizing unnecessary use of the Town's limited law enforcement and fire protection resources.

#### SECTION 2 - DEFINITIONS

For the purpose of this section, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ALARM SYSTEM:** Any device or system which transmits a signal visibly, audibly, electronically, mechanically or by any combination of these methods which indicates a hazard or occurrence requiring urgent attention and to which Police or Fire personnel are expected to respond. Alarm system shall not include a personal, direct telephonic call requesting emergency services from a person at the premises in question.

**ALARM USER:** The occupant of the premises which are protected by the alarm system.

**ANSWERING SERVICE:** A telephone answering service providing among its services the service of receiving on a continuous basis, through trained employees, emergency signals from alarm systems and thereafter immediately replaying the message by live voice to the public safety communication center of the Town of Seekonk.

**AUTOMATIC DIALING DEVICE:** A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

**FALSE ALARM:** Any alarm signal communicated to the Town public safety communication center which is not reasonably believed to be in response to actual or threatened felonious criminal activity or fire or rescue. False alarms include negligently activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; and signals which are purposely activated to summon the police or fire personnel in non emergency situations. False alarms shall not include signals activated by unusually severe weather conditions or other causes which are identified by the Chief of Police or Fire, or his designee, to be beyond the control of the user.

**INDIRECT ALARM TRANSMITTAL:** Any security alarm system which does not directly terminate in the Town public safety communications center but which causes a third party or answering service to notify the communication center of the alarm activation.

**INSTALLER:** Any person who installs, services, monitors, sells or leases any security system.

**INTERCONNECT:** To connect an alarm system to a voice grade telephone line, either directly or through a mechanical device that utilizes a standard telephone, for the purpose of using the telephone line to transmit an emergency message upon the activation of the alarm system.

**NEGLIGENTLY ACTIVATED:** The doing of an act where ordinary care suggests that the act should not have been done at all or that it should have been done in some other way.

**NON-EMERGENCY:** Any activation of an alarm resulting in a response by the division of police or fire other than that purpose for which the system was designed, installed and approved by the Town.

### SECTION 3 - TELEPHONE DIAL ALARM SYSTEMS REGULATED

It shall be unlawful for any person to install, sell, lease or use, or cause to allow to be installed, sold, leased or used, within the jurisdiction boundaries of the Town, automatic telephone dialing alarm devices or systems which are set or programmed to directly dial, actuate, call or in any other manner make direct contact with any telephone line or radio circuit of the Town public safety communication center without the prior approval of the Chief of Police or Fire Departments.

### SECTION 4 - SECURITY ALARM USER'S DATA FORM

Upon installing a security alarm system, all users shall, on a form provided for that purpose, furnish the Town public safety communication center with the following information: Name and location of alarmed premises; type of alarmed premises (residential or commercial); normal operating hours, if commercial; individual(s) designated by the user to respond when notified; manufacturer, model and type of alarm system; name, address and telephone number of the service company; zone of alarm, if applicable; and other applicable information. A minimum of two (2) names shall be submitted for notification.

### SECTION 5 - CONTROL AND CURTAILMENT OF SIGNALS EMITTED BY ALARM SYSTEMS

(a) All alarm systems installed after the effective date of this ordinance, which use an outside audible horn or bell shall be equipped with a device that will shut off such horn or bell within thirty (30) minutes after activation of the alarm system.

b) Any alarm system emitting a continuous and uninterrupted signal for more than forty five (45) minutes between 7:00 PM and 6:00 AM which cannot be silenced or otherwise curtailed due to the absence or unavailability of the alarm user or those persons designated by him under Section 4, and which disturbs the peace, comfort or repose of a community, a neighborhood or a considerable number of inhabitants of the area where the alarm system is located, shall constitute a public nuisance. Upon receiving complaints regarding such a continuous and uninterrupted signal, the Police Chief shall endeavor to contact the alarm user, or members of the alarm user's family, or the persons designated by the alarm user under Section 4, in an effort to abate the nuisance.

The Police Chief shall cause to be recorded the names and addresses of all complaints and the time each complaint was made. Users with alarm systems installed before December 1, 1984 must comply with the requirements of this section within one hundred and twenty (120) days of such date.

### SECTION 6 - DUTIES OF SECURITY ALARM USERS

It shall be the responsibility of security and fire alarm users to instruct employees or others who may have occasion to activate an alarm, that alarm systems are to be activated only in emergency situations to summon an immediate Police or Fire response. Alarm users shall also instruct appropriate employees as to the operation of the alarm system, including

setting, activation and resetting of the alarm. All instructions pertaining to alarm systems and procedures shall be in written form, suitable for distribution to employees, and shall be available for inspection by representatives of the police or fire departments. The user shall be responsible for maintaining the security system in proper working order.

#### SECTION 7 - DELIBERATE FALSE ALARMS

It shall be unlawful for any person to deliberately and without just cause activate an alarm system to summon the Town police or fire departments in a non emergency situation. Nothing herein contained shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the dispatcher, Town Police and Fire Departments.

#### SECTION 8 - SERVICE FEES, TERMINATION OF RESPONSE

1. Upon receipt of five (5) or more false alarms within a calendar Year, the Police Chief, or Fire Chief:

(a) may order the user to discontinue the use of the alarm

(b) may disconnect any direct connections to the public safety communication center, after notification to user

(c) may order that further connections to the communications center will be contingent upon the user equipping an alarm system with a device that will shut off any audible horn or bell within thirty (30) minutes after activation of the alarm system.

2. The user may appeal the decision of the Police or Fire Chief made under paragraph 1 of this section to the Board of Selectmen for hearing and review.

3. The user shall be assessed a fifty (\$50.00) dollars false alarm service fee for the fourth (4th) occurring false alarm.

4. Reinstatement of services: Any service which has been discontinued shall not be reinstated until it has been inspected by an alarm company licensed to do business in the state, who shall certify the system has been repaired and is now found to be in a reliable status. In the event the false alarm occurred through human negligence rather than mechanical failure, reinstatement shall not be permitted until the user, its employees and all others having access to the system have completed a training program satisfactory to the police and Fire Chiefs. In addition to such written certification to the Police and Fire Chiefs, a reinstatement fee of fifty (\$50.00) dollars payable to the Town of Seekonk, must accompany the request for reinstatement. The inspection, repair and rectification of any alarm system shall be accomplished at the alarm user's expense.

#### SECTION 9 - EXCEPTIONS

The service and reinstatement fees of this By-Law shall not be applied to any alarm system used, operated or installed in any premises or place owned, leased, occupied or under the control of the United States Government, the State, or any of its political subdivisions, nor to the officer, agent or employee of the aforesaid governmental agencies while acting or employed in their official capacity.

#### SECTION 10 - PENALTIES

Any person who installs, sells, leases or utilizes an alarm system in violation of this By-Law, shall be punished in accordance with the Massachusetts General Laws applicable at the time of violation.

Article 8: April 8, 1985

Approved by Attorney General: May 24, 1985

Amended: Article 39, June 8, 1998

Approved by Attorney General: August 27, 1998

#### **CATEGORY 35B - ALARM BY-LAWS**

**Old Reference** - Category XXI Alarm By-Laws

#### **Changes**

1.) Under Section 8 paragraph 2 wording changes have been proposed for improved clarity and understanding.

2.) Under paragraph 3 the fine has been increased to \$50 from \$20 and the wording has been clarified.

#### **CATEGORY 36 - FEE SCHEDULE - GASOLINE STORAGE**

In accordance with the provisions of Chapter 148, Section 13, of the General Laws, as amended:

<u>Original License:</u>	FEE
1-10,000 gallons	\$100.00
Each added 1,000 gallons	\$0.00
Personal, private or business use, with no sale	\$20.00

Registration renewal fees:

1-10,000 gallons	\$50.00
Each added 1,000 gallons	\$0.00
Personal, private or business use, with no sale	\$10.00

Article 5: May 24, 1971

Approved by Attorney General: August 10, 1971

Article 3: October 16, 1989

Approved by Attorney General

Amended: Article 40, June 8, 1998

Approved by the Attorney General: August 27, 1998

**CATEGORY 36 - FEE SCHEDULE - GASOLINE STORAGE**

**Old Reference** - Category XII Gasoline Storage Fees & Renewal Fees

**Change**

1.) Completely new fee schedule to reflect present State Statues

**CATEGORY 37 - FEES FOR WEIGHTS AND MEASURES**

In accordance with MGL Chapter 98, Section 56, the annual fees for sealing, weighing or measuring devices in the Town of Seekonk will be as follows:

Each scale with a weighing capacity of :

Less than 10 lbs.	\$ 10.00
10 lbs. - 100 lbs.	\$ 12.00
100 lbs. - 1000 lbs.	\$ 20.00
1000 lbs. - 5000 lbs.	\$ 40.00
5000 lbs. - 10,000 lbs.	\$ 55.00
More than 10,000 lbs.	\$100.00
Oil Trucks	\$ 30.00
Gasoline Pumps	\$ 15.00
Adjusting Pumps and Scales	\$ 5.00
Reverse vending	\$ 10.00

Article 10: October 7, 1985

Approved by Attorney General: November 19, 1985

Amended: Article 41, June 8, 1998

Approved by the Attorney General: August 27, 1998

Amended Article 10 May 28, 2002

Approved by Attorney General July 1, 2002

**CATEGORY 37 - FEES FOR WEIGHTS AND MEASURES**

**Old Reference** Category XXII By-Law Weights and Measures

**Change**

1.) Change line one (1) to read Section 56 instead of Section 54.

**CATEGORY 38- SCHEDULE OF FEES**

As authorized by Chapter 329, Section 73 of the Acts of 1981:

CHAPTER 140, SECTION 202

(37) For issuing & recording licenses to keepers of intelligence offices.

Fee \$25.00

(38) For issuing & recording licenses to Junk Dealers.

Fee \$100.00

(38a) For issuing & recording licenses to Junk Collectors.

Fee \$50.00

(39) For issuing & recording Pawnbrokers license.

Fee \$100.00

(40) For issuing & recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc.

1st Fee \$30.00, additional \$15.00.

CHAPTER 262, SECTION 34

- ( 1) For filing and indexing assignment for benefit of creditors.  
Fee \$10.00
- (11) For entering amendment of a record of the birth of an illegitimate child subsequently legitimized.  
Fee \$10.00
- (12) For correcting errors in a record of birth.  
Fee \$10.00
- (13) For furnishing certificate of birth.  
Fee \$ 10.00
- (13a) For furnishing an abstract copy of a record of birth.  
Fee \$4.00
- (14) For entering delayed record of birth.  
Fee \$10.00
- (20) For filing certificate of a person conducting business under any title other than his real name.  
Fee \$20.00
- (20) For filing by a person conducting business under any title other than his real name, of statement of change of his residence, or of his discontinuance, retirement or withdrawal from, or of a change of location of such business.  
Fee \$10.00
- (22) For furnishing certified copy of certificate of person conducting business under any title other than his real name or a statement by such person of his discontinuance, retirement or withdrawal from such businesses.  
Fee \$5.00
- (24) For recording the name & address, the date and number of the certificate issued to a person registered for the practice of podiatry in the Commonwealth.  
Fee \$20.00
- (29) For correcting errors in a record of death.  
Fee \$10.00
- (30) For furnishing a certificate of death.  
Fee \$10.00
- (30a) For furnishing an abstract copy of a record of death.  
Fee \$4.00
- (42) For entering notice of intention of marriage and issuing certificates thereof.  
Fee \$20.00
- (43) For entering certificate of marriage filed by Persons married out of the Commonwealth.  
Fee \$5.00
- (44) For issuing certificate of marriage.  
Fee \$10.00
- (44a) For furnishing an abstract copy of a record of marriage.  
Fee \$4.00
- (45) For correcting errors in a record of marriage.  
Fee \$10.00
- (54) For recording power of attorney.  
Fee \$ 10.00
- (57) For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof.  
Fee \$ 20.00
- (58) For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth.  
Fee \$ 20.00
- (62) For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cables or attachments under the provisions of Sec. 22 of Chapter 166.  
Fee \$40.00 flat rate, additional streets \$10.00
- (66) For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than \$5.00.
- (67) For copying any manuscript or record pertaining to a birth, marriage or death.  
Fee \$5.00 per page
- (69) For receiving and filing of a complete inventory of all items to be included in a "closing out sale" etc.  
Fee \$10.00 for first page + \$2.00 for each additional page
- (75) For filing a copy of written instrument of declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Ch. 182.  
Fee \$20.00
- (78) For recording deed of lot or plat in a public burial place or cemetery.  
Fee \$10.00
- (79) Recording any other documents  
Fee of \$10.00 for the first page and \$2.00 for each additional page.

(80) Voter's certificate  
Fee \$5.00

Article 8: April 13, 1981  
Amended RTM, Article 18: June 20, 1988  
Approved by the Attorney General: 1988  
Amended: Article 42, June 8, 1998  
Approved by the Attorney General: August 27, 1998  
Article 14: May 21, 2001  
Approved by the Attorney General: August 31, 2001

### **CATEGORY 38 - SCHEDULE OF FEES**

**Old Reference** - Category XXIII Schedule off Fees - 1

#### **No Other Changes**

Old  
Clause 13 for furnishing certificate of birth. Fee: \$5.00  
New  
Clause 13 for furnishing certificate of birth. Fee: \$10.00

Old  
Clause 30 for furnishing a certificate of death. Fee: \$5.00  
Old  
Clause 30 for Furnishing a certificate of death. Fee: \$10.00

Old  
Clause 42 for entering notice of intention of marriage and issuing certificates thereof. \$15.00

New  
Clause 42 for entering notice of intention of marriage and issuing certificates thereof.\$20.00

Old  
Clause 44 for issuing certificate of marriage. Fee: \$5.00  
New  
Clause 44 for issuing certificate of marriage. Fee: \$10.00

### **CATEGORY 39 - LICENSE FEES**

#### DESCRIPTION

Bicycle Registration	\$2.50
Milk Inspection	\$10.00
Inspection of Pasteurizing Plane	\$40.00
Cattle Weighing	\$2.00
License for Handling Wood Alcohol	\$5.00
Permit for the opening of a street, lane, or highway	\$50.00

#### Sealing of Weights & Measures Service

Scale X/capacity of 10,000 lbs.	\$100.00
Scale X/capacity of 5-10,000 lbs.	\$55.00
Scale X/capacity of 1-5,000 lbs.	\$40.00
Scale X/capacity of 100-1000 lbs.	\$25.00
Scale X/balance 10-100 lbs.	\$12.00

Liquid capacity measuring of capacity of more than 1 gallon & measure on pumps	\$10.00
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#### Liquid Measuring Meter Diameter over 1"

Vehicle tank pump	\$30.00
Vehicle tank gravity	\$40.00
Bulk storage	\$60.00
Taximeter	\$17.00
Devise to determine linear or area	\$10.00
All weights and other measures	\$5.00



License for killing horses or other animals	\$10.00
License for stable (cities and towns over 5000)	\$40.00
License for electrologists	\$10.00
License for pharmacists to sell alcoholic beverages	\$600.00
License of inns and eating establishments	\$50.00
License to service non-alcoholic beverages	\$25.00
License for mobile home parks, motels, etc.	\$50.00
License for places of public lodging	\$50.00
License for sale of food	\$100.00
License for shooting galleries	\$25.00
Pawnbroker license	\$100.00
License for automatic amusement devices	\$100.00
License for innholders and restaurants	\$50.00
License for fortune tellers	\$50.00
License for rental of boats	\$20.00

Inspections & Fees in the Fire Department (covers a wide range of permits)

Licenses for land for explosives and inflammable materials	\$1000.00
Permit to remove underground gasoline tanks	\$ 200.00
Permit for Burning	\$ 5.00
Registration of milk products	\$ 5.00
Permit for raffles or bazaars	\$ 10.00
Permit for Removal of underground Fuel Oil or Diesel Tanks	\$ 10.00

All fees associated with municipal operations shall be waived.

Article 23: October 19, 1981

Approved by Attorney General: September 6, 1988

Amended Article 2: October 16, 1989

Approved by Attorney General

Amended: Article 43, June 8, 1998

Approved by the Attorney General: August 27, 1998

Amended Article 11 May 28, 2002

Approved by the Attorney General July 1, 2002

**CATEGORY 39 - LICENSE FEES**

**Old Reference** - Category XXV Schedule of Fees - 2

**Changes**

1.) In the first section, added the last item (Permit for the opening of a street, lane, or highway, \$50).

2.) The second section stays the same except for the elimination of a temporary license to sell for charitable purposes.

3.) In the third section, added the permit for burning @ \$5 & Permit for Removal of Underground Fuel Oil or Diesel Tanks.

4.) Added language, all fees associated with municipal operations shall be waived.

**CATEGORY 40 - ENFORCEMENT**

SECTION 1 - ENFORCEMENT

a) Criminal Complaint:

Whoever violates any provision of these by-laws may be penalized by indictment or on complaint brought in the district court. Except as may be otherwise provided by law, as the District Court shall see fit to impose, the maximum penalty for each violation, or offense, brought in such manner, shall be three hundred (\$300.00) dollars.

b) Non-criminal disposition:

Whoever violates any provisions of these By-Laws, the violation of which is subject to a specific penalty, may be penalized by a non-criminal disposition as provided in General Laws, Chapter 40, Section 21D. The non-criminal method of disposition may also be used for violations of any rule or regulation of any municipal officer board or department.

Without intending to limit the generality of the foregoing, it is the intention of the provision that the following By-Laws and sections of By-Laws are to be included within the scope of this subsection, that the specific penalties as listed here shall apply in such cases, and that in addition to Police Officers, who shall always be considered enforcing persons for the

purpose of this provision, the municipal personnel list for each section, if any, shall also be enforcing personnel for such sections; each day on which any violation exists shall be deemed to be a separate offense.

#### GENERAL BY-LAW

Category 1 Earth Removal (Supt. of DPW, Health Agent, Building Insp.)	Fine \$100.00
Category 5 Building Code (Building Inspector, Health Agent, Fire Chief)	Fine \$50.00
Category 6 Refuse and Garbage (Health Agent, Fire Chief, Supt. of DPW.)	Fine \$50.00
Category 11 Unregistered Vehicles (Police Chief)	Fine \$50.00
Category 15 Animal Control (Animal Control Officer)	Fine \$25.00
Category 16 Control of Dogs (Animal Control Officer)	Fine \$25.00
Category 18 Fire Lane Parking (Fire Chief, Police Chief)	Fine \$25.00
Category 19 Alcohol Consumption in Public (Police Chief)	Fine \$50.00

Article 14 Adopted: October 16, 1989

Approved by Attorney General: October 16, 1939

Amended Article 44, June 8, 1998

Approved by the Attorney General: August 27, 1998

#### **CATEGORY 40 - ENFORCEMENT**

**Old Reference** - Category XXXV (Same Title)

#### **Change**

1.) Fire Lane Parking changed to \$25 from \$15.

#### **CATEGORY 41 - WETLANDS PROTECTION BY-LAW**

SEEKONK CONSERVATION COMMISSION

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SEEKONK CONSERVATION COMMISSION  
GENERAL WETLANDS PROTECTION BY-LAW

#### SECTION 1: Purpose

The purpose of this by law is to protect the wetlands, related water resources, and adjoining land areas in the Town of Seekonk by prior review and control of activities deemed by the Conservation Commission likely to have a significant or

cumulative effect upon resource area values, including but not limited to the following: public or private water supply, groundwater, flood control, erosion and sedimentation control, storm damage prevention, water quality, water pollution prevention, fisheries, shellfish, wildlife habitat, rare species habitat including rare plant species, aesthetics, and agriculture, aquaculture, and recreation values deemed important to the community (collectively, the “resource area values protected by this by-law”). This by-law is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional values, with additional standards and procedures stricter than those of the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00). In addition to the more stringent protection noted above, this by-law is intended to incorporate changes in the Wetlands Protection Act (G.L. Ch. 131 §40) and Regulations thereunder (310 CMR 10.00), as they may be amended from time to time.

## SECTION 2: Jurisdiction

Except as permitted by the Conservation Commission or as provided in this by-law, no person shall remove, fill, dredge, build upon, degrade, discharge into or otherwise alter the following resource areas: any freshwater wetland; isolated wetland; coastal wetland; marsh; wet meadow; bog swamp or vernal pool; bank; reservoir lake; pond of any size; river; stream or estuary; any land under said waters; and subject to flooding or inundation by groundwater, surface water, tidal action, or coastal storm flowage or flooding; and lands abutting any of the aforesaid resource areas as set out in Section 7. (collectively the “resource areas protected by this by-law”). Said resources shall be protected whether or not they border surface waters.

## SECTION 3: Exceptions (change voted on 4/10/95)

The permit and application required by this by-law shall not be required for maintaining, repairing, or replacing, but not substantially changing or enlarging, an existing and lawfully located structure or facility used in the service of the public to provide electric, gas, water, telephone, telegraph, radio and television transmissions, or other telecommunication services, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

The permit and application required by this by-law shall not be required for work performed for normal maintenance or improvement of land which is lawfully in agricultural use at the time, provided that written notice has been given to the Commission prior to commencement of work, and provided that the work conforms to performance standards and design specifications in regulations adopted by the Commission.

Land defined as “in agricultural use” must already be actively devoted to agricultural use, as opposed to the entire property, and must either have been in such use since before 1975 or have received a permit for conversion to agriculture from the Conservation Commission to be subject to this exemption. Proposals to convert land to agricultural use must be reviewed by the Conservation Commission.

Land that has been brought within agricultural use after 1975 without having first been issued a permit by the Conservation Commission is not considered to be land that is lawfully already being used for agricultural purposes.

Agricultural land can be fallow for some time if it has been used for agriculture for at least three of the preceding five years.

Agricultural uses of land include: raising livestock; growing cranberries; growing other foods for human or animal consumption; raising sod, trees, nursery stock, and ornamental plants; forestry activities, where the land is managed for a continuous crop, and tree farming.

Only activities that constitute “normal maintenance or improvement” of existing agricultural land are exempt from regulation. Such activities include: plowing and tilling, pasturing of animals, using fertilizers, pesticides, and other chemicals in accordance with state and federal law, projects including ditches, drains, access roads, farm ponds, erosion control devices designed to improve drainage, increase access, and enhance productivity and efficiency of the agricultural operations, cultivating cranberries, provided that all activities are conducted in a way as to prevent erosion and siltation, cutting and removing trees for market of the trees or forest products, and selective cutting of trees for individual use by the owners. Tree cutting on land that is not agricultural land is not included.

Normal maintenance or improvement must be related to ongoing uses, i.e., agricultural activity during the past five years.

The permit and application required by this by-law shall not apply to emergency projects necessary for the protection of the health or safety of the public, provided that the work is to be performed by or has been ordered to be performed by an agency of the Commonwealth or a political subdivision thereof, provided that advance notice, oral or written, has been given to the Commission prior to commencement of work or within 24 hours after commencement, provided that the Conservation Commission or its agent certifies the work as an emergency project, provided that the work is performed only for the time and place certified by the Conservation Commission for the limited purposes necessary to abate the emergency, and provided that within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by this by-law. Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and a public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures.

## SECTION 4: Applications for Permits and Requests for Determination

Written application shall be filed with the Commission to perform activities regulated by this by-law affecting resource areas protected by this by-law. The application shall include such information and plans as are deemed necessary by the Commission to describe proposed activities and their effects on the resource areas protected by this by-law. No activities shall commence without receiving and complying with a permit issued pursuant to this by-law.

The Commission in an appropriate case may accept as the application and plans under this by-law the Notice of Intent and plans filed under the Wetland Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

Any person desiring to know whether or not proposed activity or an area is subject to this by-law may in writing request a determination from the Commission. Such a Request for Determination (RFD) shall include data and plans as are deemed necessary by the Commission.

At the time of an application or request, the applicant shall pay a filing fee as required by the Wetlands Protection Act, M.G.L. c. 131, §40. The Commission may waive the filing fee and costs and expenses for an application or request filed by a government agency and may waive them for a request for determination filed by a person having no financial connection with the property which is the subject of the request.

#### SECTION 5: Notice and Hearings

Any person filing an application with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) or hand delivery, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors, including owners of land directly opposite on any public or private street or way, and abutters to the abutters within 300 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters shall enclose a copy of the application, with plans, or shall state where copies may be examined and obtained by abutters. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. When a person requesting a determination is other than the owner, the request, the notice of the hearing, and the determination itself shall be sent, by the Commission to the owner as well as to the person making the request.

The Commission shall conduct a public hearing on any application or Request for Determination, with written notice given at the expense of the applicant five working days prior to the hearing, in a newspaper of general circulation in the municipality.

The Commission shall commence the public hearing within 21 days from receipt of a completed application or Request for Determination unless an extension is authorized in writing by the applicant.

The Commission shall issue its permit or determination in writing with 21 days of the close of the public hearing thereon unless an extension is authorized in writing by the applicant.

The Commission in an appropriate case may combine its hearing under the by-law with the hearing conducted under the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

The Commission shall have authority to continue the hearing to a date certain announced at the hearing, for reasons stated at the hearing, which may include receipt of additional information offered by the applicant or others, information and plans required of the applicant, deemed necessary by the Commission in its discretion, or comments, and recommendations of boards and officials list in Section 6. In the event the applicant object to a continuance or postponement, the hearing shall be closed and the Commission shall take action on such information as is available.

#### SECTION 6: Coordination with Other Boards

Any person filing a permit application or a Request for Determination with the Commission can be required to provide a copy thereof at the same time, by certified mail (return receipt requested) or hand delivery, to the Board of Selectmen, Planning Board, Board of Appeals, Board of Health, and Building Inspector. A copy shall be provided in the same manner to the Conservation Commission of the adjoining municipality, if the application or RFD pertains to property within 300 feet of that municipality. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission. The Commission shall not take final action until such boards and officials have had 14 days from receipt of notice to file written comments and recommendations with the Commission, which the Commission shall take into account but which shall not be binding on the Commission. The applicant shall have the right to receive any such comments and recommendations and to respond to them at a hearing of the Commission, prior to final action.

#### SECTION 7: Permits, Determinations, and Conditions

If the Commission after a public hearing determines that the activities which are the subject of the application or the land and water uses which will result therefrom are likely to have a significant or cumulative effect upon the resource area values protected by this by-law, the Commission, within 21 days of the close of the hearing, shall issue or deny a permit for the activities requested. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those values, and all activities shall be done in accordance with those conditions. The Commission shall take into account the cumulative adverse effects of loss, degradation, isolation, and replication of protected resource areas throughout the community and the watershed, resulting from past activities, permitted and exempt, and foreseeable future activities.

The Commission is empowered to deny a permit for failure to meet the requirements of this by-law, for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards, and other requirements in regulations of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area values protected by this by-law; and where no conditions are adequate to protect those values. Due consideration shall be given to any demonstrated hardship on the applicant by reason of denial, as presented at the public hearing.

Lands within 200 feet of rivers, ponds, and lakes, and lands within 100 feet of other resource areas listed in Section 2 are within the jurisdiction of the Seekonk Conservation Commission. These lands are presumed important to the protection of these resources because activities undertaken in close proximity to resource areas have a high likelihood of adverse impact upon the wetland or other resource, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat. The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot [or 100-foot] area, unless the applicant convinces the Commission that the area or part of it maybe disturbed without harm to the values protected by the by-law.

In the review of areas within 200 feet of rivers and streams, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this by-law, has proved by a preponderance of the evidence that (1) there is no practicable alternative to the proposed property use, overall project purpose (e.g. residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

To prevent wetlands loss, the Commission shall require applicants to avoid wetlands alteration wherever feasible; shall minimize wetlands alteration; and, where alteration is unavoidable, shall require full mitigation. The Commission may authorize or require replication of wetlands as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

A permit shall expire three years from the date of issuance. Notwithstanding the above, the Commission in its discretion may issue a permit expiring five years from the date of issuance for recurring or continuous maintenance work, provided that annual notification of time and location of work is given to the Commission. Any permit may be renewed for a period of up to one year at the discretion of the Commission, provided that a request for a renewal is received in writing by the Commission 30 days prior to expiration. Notwithstanding the above, a permit may contain requirements which shall be enforceable for a stated number of years, indefinitely, or until permanent protection is in place, and shall apply to all owners of the land.

For good cause the Commission may revoke or modify a permit or determination issued under this by-law after notice to the holder of the permit or determination, notice to the public, abutters, and town boards pursuant to Section 5, and Section 6, and a public hearing.

The Commission, in an appropriate case, may combine the permit or other action on an application issued under this by-law with the Order of Conditions or Determination of Applicability issued under the Wetlands Protection Act (M.G.L. Ch. 131 §40) and Regulations (310CMR 10.00).

No work proposed in any application shall be undertaken until the permit issued by the Commission with respect to such work has been recorded in the registry of deeds or, if the land affected thereby be registered land, in the registry section of the land court for the district wherein the land lies, and until the holder of the permit certifies in writing to the Commission that the permit has been so recorded.

#### SECTION 8: Regulations

After public notice and public hearing, the Commission shall promulgate rules and regulations to effectuate the purposes of this by-law effective when voted and filed with the Town Clerk. Failure by the Commission to promulgate such rules and regulations or a legal declaration of their invalidity by a court of law shall not act to suspend or invalidate the effect of this by-law.

At a minimum, these regulations shall define key terms in this by-law not inconsistent with this by-law.

#### SECTION 9: Definitions

The following definitions shall apply in the interpretation and implementation of this by-law.

The term "alter" shall include, without limitation, the following activities when undertaken to, upon, within or affecting resource areas protected by this by-law:

- (a) Removal, excavation or dredging of soil, sand, gravel, or aggregate materials of any kind;
- (b) Changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns flow or patterns, flood retention characteristics;

- (c) Drainage or other disturbance of water level or water table;
- (d) Dumping, discharging or filling with any material which may degrade water quality;
- (e) Placing of fill, or removal of material, which would alter elevation;
- (f) Driving of piles, erection or repair of buildings, or structures of any kind;
- (g) Placing of obstructions or objects in water;
- (h) Destruction of plant life including cutting of trees;
- (i) Changing water temperature, biochemical oxygen demand, or other physical or chemical characteristics of water;
- (j) Any activities, changes or work which may cause or tend to contribute to pollution of any body of water or groundwater;
- (k) Application of pesticides or herbicides.
- (l) Incremental activities which have, or may have, a cumulative adverse impact on the resource areas protected by this by-law.

The term “bank” shall include the land area which normally abuts and confines a water body; the lower boundary being the mean annual low flow level, and the upper boundary being the first observable break in the slope or the mean annual flood level, whichever is higher.

The term “person” shall include any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to town by-laws, administrative agency, public or quasi-public corporation or body, this municipality, and any other legal entity, its legal representatives, agents, or assigns.

The term “pond (inland)” means any open body of fresh water of any size. Ponds may be either naturally occurring or man-made by impoundment, excavation, or otherwise. Ponds shall contain standing water except for periods of extended drought. For purposes of this definition, extended drought shall mean any period of four or more months during which the average rainfall for each month is 50% or less of the ten year average for that same month.

Notwithstanding the above, the following man-made bodies of open water shall not be considered ponds:

- (a) basins or lagoons which are part of wastewater treatment plants;
- (b) swimming pools or other impervious man-made basins; and
- (c) individual gravel pits or quarries excavated from upland areas unless inactive for five or more consecutive years.

The term “rare species” shall include, without limitation, all vertebrate and invertebrate animal and plant species listed as endangered, threatened, or of special concern by the Massachusetts Division of Fisheries and Wildlife, regardless of whether the site in which they occur has been previously identified by the Division.

The term “vernal pool” shall include a confined basin depression which, at least in most years, holds water for a minimum of two continuous months during the spring and/or summer, and which is free of adult fish populations, as well as the area within 100 feet of the mean annual boundary of such a depression, regardless of whether the site has been certified by the Massachusetts Division of Fisheries and Wildlife.

Except as otherwise provided in this by-law or in regulations of the Commission, the definitions of terms in this by-law shall be as set forth in the Wetlands Protection Act, M.G.L. c. 131, §40 and Regulations (310CMR 10.00).

#### SECTION 10: Security

As part of a permit issued under this by-law, in addition to any security required by any other municipal or state board, agency or official, the Commission may require that the performance and observance of the conditions imposed hereunder be secured wholly or in part by one or more of the methods described below:

- (a) By a proper bond or deposit of money or negotiable securities or other undertaking of financial responsibility sufficient in the opinion of the Commission, to be released in whole or in part upon issuance of a Certificate of Compliance for work performed pursuant to the permit;
- (b) By a conservation restriction, easement or other covenant enforceable in a court of law, executed and duly recorded by the owner of record, running with the land to the benefit of this municipality whereby the

permit conditions shall be performed and observed before any lot may be conveyed other than by mortgage deed. This method shall be used only with the consent of the applicant.

#### SECTION 11: Enforcement

No person shall remove, fill, dredge, build upon, degrade, or otherwise alter resource areas protected by this by-law, or cause, suffer, or allow such activity, or leave in place unauthorized fill, or otherwise fail to restore illegally altered land to its original condition, or fail to comply with a permit or an enforcement order issued pursuant to this by-law.

The Commission, its agents, officers, and employees shall have authority to enter upon privately owned land for the purpose of performing their duties under this by-law and may make or cause to be made such examinations, surveys or samplings as the Commission deems necessary subject to the constitutions and laws of the United States and the Commonwealth.

The Commission shall have authority to enforce this by-law, its regulations, and permits issued thereunder by violation notices, administrative orders, and civil and criminal court actions. Any person who violates provisions of this by-law may be ordered to restore the property to its original condition and take other action deemed necessary to remedy such violations, or may be fined, or both.

Upon request of the Commission, the Board of Selectmen and the Town Counsel shall take legal action for enforcement under civil law. Upon request of the Commission, the Chief of Police shall take legal action for enforcement under criminal law.

Municipal boards and officers, including any police officer or other officer having police powers, shall have authority to assist the Commission in enforcement.

Any person who violates any provision of this by-law, or regulations, permits or administrative orders issued thereunder, shall be punished by a fine of not more than \$300. Each day or portion thereof during which a violation continues or unauthorized fill or other alteration remains in place shall constitute a separate offense, and each provision of the by-law, regulations, or permit violated shall constitute a separate offense.

Non-criminal disposition - In addition to the procedures for enforcement as described above, the provisions of this general wetlands protection by-law may also be enforced by non-criminal complaint pursuant to the provisions of M.G.L. c. 40, §21D, which has been adopted by the Town in Category 40 Enforcement of the General By-laws. The enforcement agent shall be the Conservation Agent or a police officer. The penalty for violation of any provision of this by-law shall be \$100 for the first offense; \$200 for the second offense and \$300 for the third and each subsequent offense.

Each day on which a violation exists shall be deemed to be a separate offense.

#### SECTION 12: Burden of Proof

The applicant for a permit shall have the burden of proving by a preponderance of the credible evidence that the work proposed in the application will not have unacceptable significant or cumulative effect upon the resource area values protected by this by-law. Failure to provide adequate evidence to the Commission supporting this burden shall be sufficient cause for the Commission to deny a permit or grant a permit with conditions.

#### SECTION 13: Appeals

A decision of the Commission shall be reviewable in the Superior Court in an action filed within 60 days thereof, in accordance with M.G.L., c. 249, §4.

#### SECTION 14: Relation to the Wetlands Protection Act

This by-law is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, independent of the Wetlands Protection Act. M.G.L., c. 131, §40, and Regulations (310 CMR 10.00) thereunder.

#### SECTION 15: Severability

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof, nor shall it invalidate any permit or determination which previously has been issued.

Adopted: Article 12, April 10, 1998

Approved by the Attorney General

Amended: Article 45, June 8, 1998

Approved by the Attorney General: August 27, 1998

### **CATEGORY 41 - WETLANDS PROTECTION BY-LAW**

**Old Reference** Category XX (Same Title)

**Changes**

- 1.) This Category was completely rewritten and replaces the old By-law and its entirety. All changes were submitted by the Conservation Commission.

Changes adopted November 17, 2003 Special Town Meeting

Approved by Attorney General December 4, 2003

**CATEGORY 42 - ZONING**

There is in effect in the Town of Seekonk a Zoning By-Law approved by the voters of the Town on April 28, 1958, and approved by the Attorney General of the Commonwealth on October 2, 1958.

This Zoning By-Law and amendments thereto is available in a separate printing.

Amended: Article 46, June 8, 1998

Approved by the Attorney General: August 27, 1998

**CATEGORY 42 - ZONING**

**Old Reference** Category III (Same Title)

**No Other Changes****CATEGORY 43 - BUILDING CODE**

There is in effect in the Town of Seekonk a Building Code By-Law approved by the voters of the Town on November 28, 1960, and approved by the Attorney General of the Commonwealth of January 23, 1961 and Chapter 780 Code of Massachusetts Regulations (CAR).

This Building Code By-Law is available in a separate printing and is therefore not reproduced here.

Amended Article 47, June 8, 1998

Approved by the Attorney General: August 27, 1998

**CATEGORY 43 - BUILDING CODE**

**Old Reference** - Category IV(Same Title)

**No Other Changes****CATEGORY 44 - PERSONNEL ADMINISTRATION POLICY**

There is in effect in the Town of Seekonk a Personnel Administration By-Law approved by the Town Meeting on April 19, 1984; Article 24.

This document is available in a separate printing and is therefore not reproduced here.

Amended: Article 48, June 8, 1998

Approved by the Attorney General: August 27, 1998

**CATEGORY 44 - PERSONNEL ADMINISTRATION POLICY**

**Old Reference** - Category XVII (Same Title)

**No Other Changes****CATEGORY 45 - RECREATION & YOUTH COMMISSION**

In accordance with the provisions of M.G.L. Chapter 40, Section 8E of the Massachusetts General Laws:

**Section I**

The Board of Selectmen shall appoint a Recreation & Youth Commission for the purpose of overseeing the recreational needs of the Town of Seekonk.

- A. The Recreation & Youth Commission will manage and oversee improvements of the town's recreational fields and their facilities, located thereon.



- B. The Recreation & Youth Commission will prepare annual budgets for ongoing field maintenance, field and facility improvements, recreation programs and services.
- C. The Recreation & Youth Commission shall make policy in compliance with local and state laws and regulations pertaining to the recreational needs of the town.
- D. As budgets dictate, the Recreation & Youth Commission will provide recreational programs and services for the town.
- E. The Recreation & Youth Commission will oversee the issuance of field permits for the Town of Seekonk.

## Section II

The Board of Selectmen shall appoint the Commission, consisting of five (5) members who shall be appointed for a term of three years each. Appointees shall be residents of the town, and such appointments shall terminate automatically if the appointee no longer resides in town. At its discretion, the Board can re-appoint the Commission members for consecutive terms. Commission members serve without pay. Commission members may be removed after notice and hearing by the Board of Selectmen when the Board shall judge that the best interests of the town are served thereby.

## Section III

Whenever a vacancy shall occur in the membership of the Recreation & Youth Commission, by reason of death, resignation, inability to act, or for any other reason, the vacancy will be filled by appointment by the Board of Selectmen for the remainder of the previous member's term

## Section IV

The Recreation & Youth Commission will at its first meeting in January of each calendar year, elect from its membership a chairperson, vice-chairman, and secretary. Each officer shall hold office until the next year's annual election. In the event a vacancy occurs in any of the offices above, the Commission shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.

A. The Chairperson presides at all meetings and arranges times and places for all meetings. Also serves as spokesman for the Commission in relation with the public. The Chairperson votes only when there is a tie vote and is responsible for preparing agendas, appointing all committees and acts as an ex-officio member on all committees.

B. The Vice-Chairperson presides in the absence of the Chairperson and performs the functions normally performed by the Chairperson. The Vice-Chairperson shall be in close contact with the Chairperson in all commission business for good continuity in the accomplishment of the commission's duties.

C. The Secretary notifies members of the time and place of each meeting and is responsible for keeping detailed minutes of meetings and for making detailed records of those meetings after meetings. The Secretary serves as corresponding secretary in conjunction with the Town Administrator.

## Section V

The Board of Selectmen shall appoint, upon the recommendation of the commission, such full and part-time employees as may be provided for by appropriation or from other available funding sources, including gifts, grants, or program fees, all in accordance with law.

Article 8 adopted by Annual Town Meeting: May 15, 2000

Amended: Article 7, March 12, 2001

Approved by Attorney General: October 2, 2000